1981 EDITION

# Analysis of workers' compensation laws

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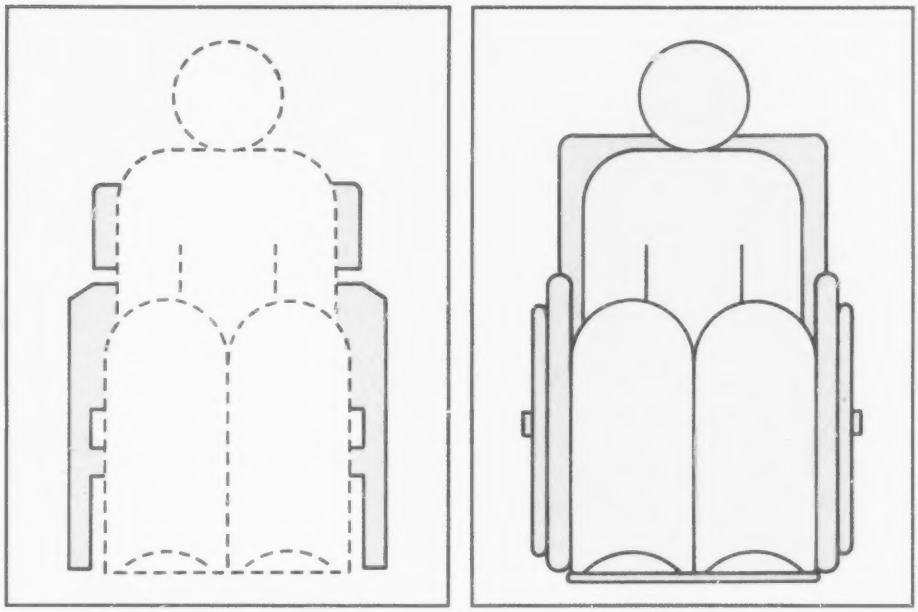

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# FOREWORD

The 1981 edition of *Analysis of Workers' Compensation Laws* offers a bird's-eye view of the important provisions of workers' compensation statutes and is intended to provide both a comparison and an improved understanding of the various laws. Fifteen detailed charts are presented to aid employers, employees, insurance firms, agents, brokers, attorneys, physicians, and others in locating specific provisions of workers' compensation laws.

The *Analysis* tracks the statutory provisions of American Samoa and the U.S. Virgin Islands, as well as the laws of the 50 states, the District of Columbia, Guam, and Puerto Rico. Full treatment is also provided for the federal, provincial, and territorial laws of Canada.

Although the *Analysis* provides essential information needed daily in many business offices, it should not be considered as supplanting exact provisions to be found in statutory texts.

The underlying data required to bring together this publication were supplied by legislative reporting services, insurance companies, and government officials in the several states and jurisdictions. Additional assistance came from the Social Security Administration, U.S. Department of Health and Human Services.

The legal research, analysis, and editing of the charts and text was furnished by Eric J. Oxfeld, member of the District of Columbia bar and Employee Benefits Attorney in the Human and Community Resources Division of the Chamber of Commerce of the United States. For further information, you can write to him at 1615 H Street, N.W., Washington, D.C. 20062 or phone (202) 659-6083.

All contributions to this publication are gratefully acknowledged.

Richard L. Lesher
President
Chamber of Commerce
of the United States

# HISTORY OF WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY

Workers' compensation laws are designed to provide satisfactory means of handling occupational disabilities. A 20th century development in North America, the laws have evolved as the economy became more industrial and less agricultural.

Before these laws were enacted, a well-established common-law principle held that a master or employer was responsible for injury or death of employees *resulting from a negligent act by him.* Thus disabled workers who sued employers for damages had to prove their injuries were due to employer negligence—a slow, costly, uncertain legal process. As business enterprise and machine production expanded, the number of industrial accidents and personal-injury suits increased. At the close of the 19th century it was apparent that the accepted common-law defenses—contributory negligence, assumption of risk, negligent acts of fellow servants—operated too harshly on claims of disabled workers. The situation led to demands for new legal provisions.

As a result, between 1900 and 1910 so-called employer's liability laws were adopted by many states. Although they tended to modify common-law defenses, they did not prove completely satisfactory; employees still had to prove employer responsibility and negligence. Other legal remedies were urged.

A new answer was forthcoming: In 1911 the first workers' compensation laws were enacted in the United States on an enduring basis. The first comprehensive Canadian laws were enacted in 1915.

Today, each of the 50 states has a workers' compensation law. The compensation laws of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands are also outlined in this *Analysis.* Federal workers' compensations laws have been enacted; for example, the District of Columbia Workmen's Compensation Act, the Federal Employees' Compensation Act, and the Longshoremen's and Harbor Workers' Compensation Act—the latter providing for private or public employees in nationwide maritime work. Each of the Canadian provinces and territories has a compensation act or ordinance.

In essence, workers' compensation laws hold that industrial employers should assume costs of occupational disabilities without regard to any fault involved. Resulting economic losses are considered costs of production—chargeable, to the extent possible, as a price factor. The laws serve to relieve employers of liability from common-law suits involving negligence.

Six basic objectives underlie workers' compensation laws. They:

**1**—Provide sure, prompt, and reasonable income and medical benefits to work-accident victims, or income benefits to their dependents, regardless of fault;

**2**—Provide a single remedy and reduce court delays, costs, and work loads arising out of personal-injury litigation;

**3**—Relieve public and private charities of financial drains—incident to uncompensated industrial accidents;

**4**—Eliminate payment of fees to lawyers and witnesses as well as time-consuming trials and appeals;

**5**—Encourage maximum employer interest in safety and rehabilitation through an appropriate experience-rating mechanism; and

**6**—Promote frank study of causes of accidents (rather than concealment of fault)—reducing preventable accidents and human suffering.

To what extent have the laws achieved desired objectives? Answers to this vary from state to state and depend on many factors including the viewpoint of the appraiser.

However, a 1972 evaluation by the National Commission on State Workmen's Compensation Laws concluded that state laws were not living up to their potential, and the Commission made 84 recommendations for the improvement of the system. Nineteen of these were labeled "essential." Despite this negative assessment, the Commission was convinced that workers' compensation is a fundamentally sound system and a valued institution in our industrial economy.

In January, 1976, the policy group of the Inter-Agency Workers' Compensation Task Force, with members from several U.S. government departments and agencies, reported its findings on the need for reform of state workers' compensation programs. Essentially, the Task Force found that existing programs must be reformed to bring about more effective management at the state level, with the federal government monitoring progress and providing technical assistance. The group felt that, without a reordering of priorities and a new mode of operation, workers' compensation would become more expensive, less equitable, and less effective. After completing its mission, the Task Force was merged with the Division of State Workers' Compensation Standards in the Office of Workers' Compensation Programs, Department of Labor.

The constructive criticism rendered by the Commission and the Task Force gave new impetus to the development and growth of workers' compensation laws, and these laws now enjoy a more prominent role within the social insurance system of the United States.

The National Commission and the Task Force both rejected proposals to replace the various state programs with one federal program. Nevertheless, legislation has been introduced in the U.S. Congress for the past several years to give the federal government a direct role in the state systems by setting federally mandated "minimum standards." There has never been sufficient support for these bills to move them beyond the committee level, however.

# INTRODUCTION
# GENERAL INFORMATION

This analysis of workers' compensation laws attempts to provide a ready reference to the statutory provisions found in the federal, state, and territorial laws of the United States and the federal, provincial, and territorial laws of Canada. American Samoa, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands are included.

In the following pages, 15 charts will be found grouped under three categories:

- *Coverage of Laws*, listing the various requirements pertaining to employments, injuries, and diseases (Part I);
- *Benefits Provided*, detailing the required income replacement benefits and medical benefits (Part II);
- *Administration of Laws*, grouping the many administrative requirements and safeguards (Part III).

## COMMENTS ON CHARTS

Complete to December 31, 1980, the charts on the following pages present the statutory provisions of the workers' compensation laws as amended. The effects of many decisions—by courts and administrative agencies—have been taken into account in interpreting these laws.

All provisions presented by the charts in this booklet have required study and interpretation to reduce them to the brief statements found in the charts. In some cases space does not permit sufficient explanation to clarify all points. In such cases it is suggested that the text of the law should be examined.

For an explanation of the abbreviations used in the charts and a note on benefit computations, see page 48.

## FEDERAL AND DISTRICT OF COLUMBIA LAWS

Two federal workers' compensation laws are charted. The Federal Employees' Compensation Act governs compensation of all employees of the United States government. The Longshoremen's and Harbor Workers' Compensation Act provides job disability benefits for all U.S. maritime employment and certain others. Courts have held that the Longshore Act does not apply to maritime employment in Puerto Rico, however.

Entries for the District of Columbia are derived from the District of Columbia Workmen's Compensation Act, a special act of Congress making the Longshore Act applicable to all private employment in Washington, D.C. A D.C. enactment replacing the Longshore Act, effective October 1, 1981, is under litigation. D.C. government employees are covered by a separate D.C. enactment that replaces the F.E.C.A. The law for D.C. government workers is not charted except where it differs materially from the F.E.C.A. The charts do not cover the Black Lung Act, the disability provisions of the Social Security program, the Federal Employers' Liability Act (Jones Act), or veterans' benefits.

## CANADIAN LAWS

This booklet includes an analysis of the Canadian federal and provincial workers' compensation acts. Each province and territory administers its own act or ordinance. The federal Merchant Seamen's Compensation Act is charted, also.

Employees of the Canadian federal government are compensated under the Government Employees' Compensation Act, administered by Labour Canada. Compensation is paid by the Canadian government, but the amount is determined by the workers' compensation board for the province where the worker is usually employed. Government employees residing in the Northwest Territories or the Yukon Territory may receive compensation in accordance with the Alberta Act. In view of this arrangement, the charts do not include the Government Employees' Compensation Act except where it differs materially from the provincial acts.

## ANNUAL COST

Reporting in *Social Security Bulletin*, the U.S. Department of Health and Human Services estimated that employers spent just over $17 billion in 1978 to insure or self-insure their work-injury risks. This was almost $3 billion, or 20 percent, higher than the 1977 cost of workers' compensation. The prior year, the increase in cost was 27 percent. The average cost per $100 of payroll jumped to $1.85 for 1978, compared with $1.73 for 1977.

A substantial part of this growth can be attributed to inflation, but there has been a continued rise in statutory benefit amounts, amounts payable for medical care, and indemnity awards. Medical costs totaled $2.96 billion in 1978 while compensation payments amounted to $6.78 billion—a total of $9.73 billion or about 70 percent of all workers' compensation costs. Figures for 1979 were not available at the time of publication.

## RECENT CHANGES IN THE STATE LAWS

Forty-five state legislatures convened during 1980, as did Congress. In all, over 175 laws were enacted covering almost every phase of workers' compensation.

**Benefits:** Indemnity benefit maximums increased in 48 jurisdictions. Of that number, 40 states and the District of Columbia now provide for the automatic adjustment of maximums annually, based upon the state average weekly wage. In 45 states and D.C., the maximum weekly benefit now equals or exceeds 66⅔ percent of the statewide average weekly wage for temporary total disability cases. Of these, 30 pay 100 percent or more.

**Coverage:** Fifty jurisdictions now provide for compulsory coverage under workers' compensation laws. Coverage is still elective in three states: South Carolina, New Jersey, and Texas. In 1978, 88 percent of all wage and salary employees were covered by workers' compensation laws; that was .2 percent, or 3.5 million more employees than in 1977. Covered payrolls amounted to approximately $918 billion, or 85.2 percent of total civilian wage and salary disbursements.

**Self-Insurance:** Self-insurance for private employers is now permitted in every state except 3. Twenty states and the District of Columbia authorize group self-insurance.

## JUDICIAL DEVELOPMENTS

Judicial—rather than legislative—developments were the more noteworthy in 1980. In *Wenger v. Druggists Mutual Insurance Co.*, the United States Supreme Court ruled that presumptions of dependency for wives were unconstitutional sex discrimination.

Courts on opposite sides of the country chipped away at the exclusive remedy rule. The Massachusetts Supreme Judicial Court allowed the children of an injured worker to sue the employer for damages resulting from the "loss of companionship and society" of an injured parent in *Ferreter v. O'Donnell's Sons, Inc.* The California Supreme Court decision in *Johns-Manville Products Corp. v. Contra Costa Superior Court* also allowed a damage suit for an employer's fraudulent concealment of hazardous exposure to asbestos. And in *Williams v. International Paper Co.*, early in 1981, a California jury awarded a worker $825,000 damages against his employer on the ground that, as a self-insurer, the company acted in a dual capacity and thus was subject to a higher standard of care for job safety.

## NEXT EDITION OF THE ANALYSIS OF WORKERS' COMPENSATION LAWS

Forty-nine state legislatures and Congress convene in 1981. Undoubtedly, there will be numerous changes in many workers' compensation laws. A complete revision of this volume is printed annually. The 1982 edition will be available in March, 1982. It will reflect changes made in workers' compensation laws up to January 1, 1982.

PART 1

# COVERAGE OF LAWS

A basic and oft-repeated objective of workers' compensation on which there is broad agreement is that coverage under the acts should be virtually, if not completely, universal. For various historical, political, economic, or administrative reasons no state law covers all forms of employment.

Most of the reasons put forth against extension of coverage have lost their force, and by 1980 the proportion of all wage and salary employees covered by job-injury laws reached 88 percent. Charts I through III delineate the statutory employment coverage requirements.

Another basic objective for workers' compensation is to provide compensation for all work-related injuries and diseases. Note that workers' compensation does not seek to cover all worker health problems. To make this distinction, fairly uniform statutory definitions and tests have been adopted in each state. Typically the statute limits compensation benefits to "personal injury caused by accidents arising out of and in the course of employment."

Although the test is fairly uniform, its interpretation has not resulted in completely uniform coverage of injuries and diseases. Initially, this problem was remedied by providing coverage for specific occupational diseases. With advances in medical technology and increased exposures to a growing number of substances with a variety of physical stresses, it became impractical to define work-related diseases by specific enumeration. Most states have therefore amended their statutes to provide full coverage of occupational diseases. Chart IV portrays the status of the laws on this point.

## TYPE OF LAW: CHART I

Compensation laws are compulsory or elective. Under an elective law, the employer may accept or reject the act, but if he rejects it he loses the three common-law defenses—assumption of risk, negligence of fellow employees, and contributory negligence. Practically, this means that all the laws, in effect, are "compulsory." A compulsory law requires each employer within its scope to accept its provisions and provide for benefits specified.

**Suits for Damages**—Under workers' compensation acts employers generally are exempted from damage suits. Where an employee rejects the act, and sues an employer who has accepted it, the employer usually retains the three common-law defenses. Conditions for rejection of the act often are so severe as to make the privilege virtually inoperative.

## INSURANCE REQUIREMENTS: CHART I

**Security for Payment of Benefits**—Most jurisdictions require employers to obtain insurance or prove financial ability to carry their own risk.

Chart I notes provisions relating to (1) insurance requirements, (2) penalties for failure to insure, and (3) whether self-insurance or group self-insurance are permitted.

Six states and most provinces require employers to insure in a monopolistic state or provincial fund; in some instances, employers may qualify as self-insurers. Twelve states permit employers to purchase insurance either from a competitive state fund or private insurance company. Five of the six monopolistic state funds were created between 1913 and 1915, when the principles of workers' compensation were still new.

The Chamber of Commerce of the United States advocates that employers be permitted to buy private insurance if they so desire and that employers who can qualify be allowed to be self-insurers. Chamber policy states:

"Insurance is an integral part of private enterprise. Insurance should not be regarded as a function to be carried on by the government, and insurance monopolies carried on by governmentally created entities should not be permitted."

**Self-Insurers**—Some large corporations prefer to assume liability for workers' compensation and avoid administrative costs associated with insurance policies. Group self-insurance may also be available to smaller employers who pool their risks and liabilities.

Self-insurance operates best when an employer has a spread of risks so large that he may benefit from the law of large numbers. It is necessary and desirable that the self-insurer establish his own protective services—similar to those insurance companies would furnish for safety engineering and claims adjustment. Also, the self-insurer may have to retain attorneys and doctors to handle problems incident to claims and medical and legal services.

Self-insurance is permitted in 47 states—as shown in Chart I. Chart I also reflects those states that specifically authorize group self-insurance.

Employers may set up a reserve fund for self-insurance to pay compensation and other benefits under the workers' compensation acts of the states. Contrary to the treatment accorded insurance premiums, amounts paid into this reserve fund are not always deductible from gross income as a business expense for income tax purposes. However, amounts paid out—as cash or medical benefits—are deductible.

In many cases insurance is purchased because such purchase can dispose of the item of expense and future cost in the current year.

## PRIVATE AND PUBLIC EMPLOYMENTS: CHART II

Virtually all industrial employment is covered by workers' compensation. Chart II shows this in detail; also it indicates the extent of coverage for public employment.

Some jurisdictions cover all private employment; others exempt those with less than a stipulated number of employees. Most jurisdictions specifically exclude certain employments. Due to the nature of the work, farm labor, domestic servants, and casual employees usually are exempted. Most jurisdictions permit employees in an exempted class to be brought in voluntarily by the employer or by administrative agency order.

Many jurisdictions provide workers' compensation for all or certain classes of public employees.

Merchant marine and railroad workers in interstate commerce generally are not covered by workers' compensation acts and may sue for damages as provided by the Federal Employer's Liability Act.

## MINORS: CHART III

Minors are covered by workers' compensation. However, in some jurisdictions double compensation or added penalties are provided—as shown in Chart III. In many states minors also enjoy special legal benefits provisions. These are specifically noted for each state.

## OCCUPATIONAL DISEASES: CHART IV

Although workers' compensation laws initially had no specific provisions for occupational diseases, now all states recognize responsibility for them. Coverage varies—depending partly on the need and pertinence of occupational disease provisions.

Chart IV outlines occupational disease coverage available in each jurisdiction. Generally, compensation is the same as for disabilities noted in Chart V.

Occupational diseases usually become evident during employment or soon after exposure. However, as with radiation disabilities, the disease may be latent for considerable time. As Chart IV notes, many states have extended periods in which claims may be filed concerning certain latent, slowly developing occupational diseases.

Some states impose special restrictions regarding silicosis, asbestosis, radiation disability, and occupational loss of hearing due to noise (prolonged exposure cases).

Two equally important problems in the occupational disease field are determining (1) what diseases should be covered by law and (2) how hazards leading to them may be reduced. By combining medical and engineering techniques much progress has been made. This approach requires determinations of the significance of health hazards involved and the design of controls to keep exposures below safety levels established by medical research.

Working independently or with insurance carriers' safety engineers, employers may eliminate many occupational disease hazards. In the development of many new materials and processes, constant vigilance is required of both engineers and doctors. Their cooperation has contributed outstandingly to solutions of many occupational disease problems.

## OTHER CONSIDERATIONS

**A. Accident Prevention**—The encouragement of safety is another basic objective of workers' compensation. The effort to reduce the frequency and severity of work-related injuries is accomplished in at least two ways.

First, the workers' compensation program provides employers with preventive services, including safety engineering. This role is assumed by casualty insurance carriers, state funds and safety agencies, and employers. A second general role is to provide a monetary incentive to employers to improve their safety records. Here the insurance premium structure is a primary force.

Costs of accident-prevention services are included in workers' compensation insurance premiums. Casualty insurance engineers help in setting up accident-prevention programs of continuing benefit. Benefits are found in lower insurance rates, increased production efficiency, and better use of manpower. Of course, the greatest beneficiaries are those kept from industrial accidents through application of effective loss-prevention engineering methods.

**B. National Council on Compensation Insurance**—Premium rates for workers' compensation insurance are compiled scientifically. Accident experience throughout American business is collected by an agency recognized by all insurance carriers and state fund administrators in the U.S. This agency—the National Council on Compensation Insurance—operates in most states. It grew out of a 1915 conference which agreed that rate making for compensation insurance could not be handled by each state separately. The states that maintain independent agencies cooperate with the Council in making rates. The Council's manual rates generally are a basis for compensation rates charged by stock and mutual companies.

Member companies of the Council report experience incurred under workers' compensation policies. This experience serves as a basis for workers' compensation rate determinations in accord with a standard nationwide rate-making procedure approved by the National Association of Insurance Commissioners.

The National Council's basic manual is standard with all insurance companies. It sets forth Council rules, procedures, and rates applicable to workers' compensation insurance. Where statutes provide for rate regulation by a state supervising authority, revised compensation rates and supporting data are filed annually with it; often, public hearings are held before rates are revised. The supervising authority must approve the rates carriers charge. All states now provide for rate regulation by state authority. In Canada rates are in the form of an assessment—established by each provincial compensation board annually by class of risk.

As set forth in the Council's manual, compensation rates are based on payroll. Usually only an estimated premium is collected when the policy is written. After the policy expires, a payroll audit is required. The actual premium is then figured and adjustments made.

**C. Injuries Outside the Jurisdiction**—Frequently, when a worker's occupation takes him into another jurisdiction, questions arise as to which law determines compensation payable. In effect, most compensation laws are extraterritorial—either by specific provisions or court decision. Answers depend on provisions of the particular laws involved and require consideration of circumstances—such as place and nature of employment, place where contract was made, employee's residence, and employer's place of business.

**D. Civil Defense and Other Volunteers**—Many states have laws to compensate civil defense and other volunteer workers (such as firemen) injured in line of duty. Attention is called to these laws, but no attempt is made to chart their provisions.

**E. Black Lung Act**—The Federal Black Lung Act (Title IV of the federal Coal Mine Health and Safety Act of 1969, as amended in 1972 and 1978) provides benefits for total disability or death caused by respiratory illness attributable to coal mining (black lung disease). The Act is administered by the Division of Coal Mine Workers in the U.S. Department of Labor's Office of Workmen's Compensation Programs.

Benefits are payable at the minimum for total disability provided by the Federal Employees' Compensation Act, plus an allowance for dependents equal to 50%, 75%, or 100% of the basic benefit, for 1, 2, or 3 or more dependents, respectively. Beneficiaries also receive an annual cost-of-living increase.

A Black Lung Disability Trust Fund, financed by an excise tax on coal production, was set up by the 1978 amendments to pay claims where the last employment was prior to 1970 or where no responsible coal mine operator has been identified. $1.31 billion in black lung payments have been approved since the 1978 amendments—17 times the $78 million in benefits paid from the inception of the program through fiscal year 1978. A U.S. General Accounting Office study in 1980 found that program costs have outpaced original predictions chiefly because medical proof of disability is lacking in nearly 9 out of 10 claims paid.

**F. Social Security Disability**—The federal Social Security Disability program pays benefits on behalf of disabled workers under age 65 whose disability is expected to last 12 months or result in death. A worker becomes eligible after a minimum period of employment covered by Social Security, measured in calendar quarters. There is a 5-month waiting period.

Cash benefits are payable monthly based on wages in covered employment, plus allowances for spouse and children. The maximum is $654 for an individual, family maximum $981. Cost-of-living increases are payable effective each June. Combined Social Security Disability and workers' compensation benefits may not exceed 80% of "average current earnings" prior to disability.

Benefits are paid out of the Disability Trust Fund, financed from the federal Social Security tax.

| JURISDICTION | TYPE OF LAW | INSURANCE | SELF-INSURANCE | PENALTIES ON FAILURE TO INSURE |
|---|---|---|---|---|
| **ALABAMA** | Compulsory | Required | Individual and group | Fine of not less than $25 nor more than $1,000. Employer may be enjoined from doing business and liable to suit with defenses abrogated and double amount of compensation. |
| **ALASKA** | Compulsory | Required | Permitted | $1,000 fine, 1 year imprisonment, or both. Common law defenses to damage suit abrogated. Presumption that injury is proximate result of negligence of employer. If a corporation, persons in charge shall be personally liable for payment of compensation. |
| **AMERICAN SAMOA** | Compulsory | Required | Individual | Misdemeanor: fine up to $1,000 or imprisonment up to 1 year, or both. Employer liable to suit with defenses abrogated. |
| **ARIZONA** | Compulsory | Required | Permitted | Employer liable to suit with defenses abrogated; 10% penalty of award, expenses, and attorney's fees; award paid from Special Fund; injunction against doing business in state. |
| **ARKANSAS** | Compulsory | Required | Individual and group | $500 fine or 1 year imprisonment, or both; employer liable to suit with defenses abrogated. |
| **CALIFORNIA** | Compulsory | Required | Permitted | Employer may be enjoined from doing business. Mandatory penalty upon issuance of stop order is $100 per employee, raised to $500 per employee if case is compensable (maximum $10,000). Failure to obey stop order is misdemeanor; penalty is fine up to $1,000, imprisonment up to 60 days, or both; $50 penalty for failure to respond to Director's inquiry. Penalties are paid into Uninsured Employers Fund and constitute lien on employer's assets. Employee may sue for damages with employer's defenses abrogated and file for compensation. |
| **COLORADO** | Compulsory | Required | Permitted | Compensation increased 50% or employer liable to suit with defenses abrogated (at option of employee). Employer may also be enjoined from doing business. |
| **CONNECTICUT** | Compulsory | Required | Permitted | Willful failure to insure—fine up to $1,000, payable into Second Injury Fund. |
| **DELAWARE** | Compulsory | Required | Individual and group | Fine of 10 cents per day per employee (maximum $50, minimum $1 per day); if default continues for 30 days employer may be enjoined from doing business. Employer liable to suit with defenses abrogated. |
| **DISTRICT OF COLUMBIA** | Compulsory | Required | Individual and group | Fine of not more than $1,000 or 1 year imprisonment or both. |
| **FLORIDA** | Compulsory | Required | Individual and group | Fine of not more than $500 or not more than 1 year imprisonment, or both; employer liable to suit with defenses abrogated and may be enjoined from doing business. |
| **GEORGIA** | Compulsory | Required | Individual and group | Misdemeanor. Compensation may be increased 10% plus attorney's fees. Penalty up to $50 per day. |
| **GUAM** | Compulsory | Required | Not permitted | Misdemeanor—fine up to $1,000, imprisonment up to 1 year, or both. Employer liable to suit with defenses abrogated and must reimburse fund for compensation payable. Corporate officers are personally liable for compensation. |
| **HAWAII** | Compulsory | Required | Permitted | $25 or $1 per employee per day during default, whichever is greater. Injunction against business in the state. |
| **IDAHO** | Compulsory | Required | Permitted | Misdemeanor. Employer also liable to penalty of $1 per day per employee, and may be enjoined from doing business after 30 days default. For default in premiums to state fund, penalty is $1 per day per employee, and policy may be canceled after 30 days default. |
| **ILLINOIS** | Compulsory | Required | Individual and group | Fine of $100 to $500 for each day's default. |
| **INDIANA** | Compulsory | Required | Permitted* | Class C infraction—maximum fine $500. |
| **IOWA** | Compulsory | Required | Individual and group | Employer liable to suit with defenses abrogated and presumption of negligence of employer. In coal mining, employer is liable to penalty of $10 to $100 per day and may be enjoined from further noncompliance. |
| **KANSAS** | Compulsory | Required | Permitted | Employer liable to suit with defenses abrogated. |
| **KENTUCKY** | Compulsory | Required | Individual and group | Failure to file evidence of compliance after employer's acceptance of act—claimant may elect action at law or for compensation. Failure to secure payment of compensation—claimant may claim compensation and bring action at law or in admiralty with employer's common law defenses abrogated. Employer may be enjoined from doing business. |
| **LOUISIANA** | Compulsory | Required | Individual and group | 12% penalty and reasonable attorney's fees for collection of claim. |
| **MAINE** | Compulsory | Required | Individual and group | Class D crime. Employer liable to suit with defenses abrogated. |
| **MARYLAND** | Compulsory | Required | Individual and group* | Fine of $500 to $5,000 and/or imprisonment for not more than 1 year. Additional penalty for failure to comply with Commission's orders amounting to 6 months insurance premiums. Employer also liable to suit with defenses abrogated. Other insurers assessed to pay unpaid claims of insolvent insurer. Fine of $150 and 15% penalty on award payable to Uninsured Employers Fund. |
| **MASSACHUSETTS** | Compulsory | Required | Permitted | Fine of not more than $500 or imprisonment for not more than 1 year, or both; employer liable to suit with defenses abrogated. |
| **MICHIGAN** | Compulsory | Required | Individual and group | Fine of $10 to $100 or imprisonment for 30 days to 6 months, or both. |
| **MINNESOTA** | Compulsory | Required | Permitted | Penalty $50 if under 5 employees, otherwise $200. Additional penalty 5 times lawful premiums for continued noncompliance. Employer may be enjoined from further employment. Employer must reimburse compensation paid plus 50% penalty. Intentional noncompliance is gross misdemeanor. Employer liable to suit with defenses abrogated. |
| **MISSISSIPPI** | Compulsory | Required | Permitted | Fine up to $1,000 or one year imprisonment or both. Employer also liable to suit with defenses abrogated. |
| **MISSOURI** | Compulsory | Required* | Permitted | Employer liable to suit with defenses abrogated. Worker may receive compensation out of Second Injury Fund for medical expenses and employer is liable for amounts paid plus fine of $100 per day of noncompliance after date of injury. |
| **MONTANA** | Compulsory | Required | Permitted | Division must enjoin employer from doing business. Double amount of unpaid premiums assessed as penalty (minimum $200). Employer liable for compensation payable, up to $30,000. Penalties payable into Uninsured Employers' Fund. |
| **NEBRASKA** | Compulsory | Required | Permitted | Employer liable to suit with defenses abrogated. $1,000 fine maximum, 1 year imprisonment, or both, may be enjoined from doing business. |
| **NEVADA** | Compulsory | Required in state fund | Individual | Employer liable to suit with defenses abrogated and may be enjoined from doing business; misdemeanor punishable by a fine of $100 to $500. |
| **NEW HAMPSHIRE** | Compulsory | Required | Individual and group | Fine of $100 for each day of failure to keep evidence of financial ability on file. |
| **NEW JERSEY** | Elective | Required* | Permitted | Employer liable to suit with defenses abrogated. Misdemeanor, punishable by a fine of not more than $1,000 or not more than 60 days imprisonment or both, plus $25 for each 10-day period but not more than $100 at any one time. Also assessment of $150 plus 15% of award up to $1,500 payable to Uninsured Employers Fund. |
| **NEW MEXICO** | Compulsory | Required | Permitted | Fine of not more than $1,000. Employer may be enjoined from doing business. |
| **NEW YORK** | Compulsory | Required | Individual and group | Fine of not more than $500 or imprisonment for not more than 1 year, or both. Employer liable to suit with certain special defenses abrogated. Additional fine of $100 if uninsured for less than 10 days.* |
| **NORTH CAROLINA** | Compulsory | Required | Individual and group | Misdemeanor, punishable by fine of 10¢ per day per employee (maximum $50.00, minimum $1 per day), imprisonment, or both. Employer liable to suit with common law defenses abrogated. |

Ind. *Except as to state and political subdivisions, banks, trust companies, and savings and loan associations.

Md. *Commission may require insurance against catastrophe, other than war.

Mo. *Employer engaged in mining must insure only to the extent of maximum liability for 10 deaths in any one accident.

N.J. *Unless employer rejects. Employer of farm worker not required to insure.

N.Y. *Corporate officer who failed to obtain insurance ineligible for benefits out of Uninsured Employers Fund.

(continued)

| JURISDICTION | TYPE OF LAW | INSURANCE | SELF-INSURANCE | PENALTIES ON FAILURE TO INSURE |
|---|---|---|---|---|
| NORTH DAKOTA | Compulsory | Required in state fund | Not permitted | Misdemeanor punishable by $500 fine, 1 year imprisonment, or both. Uninsured employer liable for damage or injuries or death and cannot avail himself of common law defense. Employer may be enjoined from employing uninsured workers. |
| OHIO | Compulsory | Required in state fund | Permitted | Fine of not more than $500, and if willful, imprisonment for not more than 90 days. Employer may be enjoined from doing business. Employer is also liable to suit with defenses abrogated. |
| OKLAHOMA | Compulsory | Required | Permitted | Penalty of $1 per day per employee. Employer liable to suit with defenses abrogated. |
| OREGON | Compulsory | Required | Permitted | Employer is liable to suit with defenses abrogated. Enjoined from hiring workmen. Fine of $1,000 plus $25 per day, administrative costs and legal fees, and fines up to $5,000 based on type of injury. |
| PENNSYLVANIA | Compulsory | Required | Permitted | Fine of $500 to $2,000 per day or not more than 1 year imprisonment, or both. Employer liable to suit with defenses abrogated. |
| PUERTO RICO | Compulsory | Required in territorial fund | Not permitted | Misdemeanor, fine of $25 to $1,000, or imprisonment for not more than 6 months, or both. Employer liable to suit with defenses abrogated. Penalty 30% of compensation (minimum $10.00). |
| RHODE ISLAND | Compulsory | Required | Permitted | Fine of not more than $100; employer liable to suit with defenses abrogated. |
| SOUTH CAROLINA | Elective | Required* | Individual and group | If employer does not reject and fails to insure, fine of 10 cents per day per employee (maximum $50, minimum $1 per day). If default continues for 30 days employer may be enjoined from doing business. Employer liable to suit with defenses abrogated.** |
| SOUTH DAKOTA | Compulsory | Required | Individual and group | Employer liable to suit for damages or double compensation and medical care as benefits. |
| TENNESSEE | Compulsory | Required | Individual and group | Fine of $10 to $100 and after conviction, fine of $1 for each day of noncompliance. Employer also liable to suit with defenses abrogated. |
| TEXAS | Elective | Required* | Not permitted** | Employer liable to suit with defenses abrogated. Motor bus certificate may be revoked on failure to insure. |
| UTAH | Compulsory | Required | Permitted | Fine of $10 to $100 or imprisonment of 30 days to 6 months, or both. Employer also liable to suit with defenses abrogated. Also, costs and attorney's fees in civil suit. |
| VERMONT | Compulsory | Required | Individual | Failure to provide security within 30 days after notice by Commissioner—fine up to $100 per day. |
| VIRGIN ISLANDS | Compulsory | Required in territorial fund | Not permitted | Employer liable for compensation and expenses plus penalty equal to 30% of compensation and expenses. Employer liable to suit with defenses abrogated. Fine up to $500 or imprisonment up to 6 months, or both. Interest on premiums in default. Employer may be enjoined from doing business. |
| VIRGINIA | Compulsory | Required | Individual and group | Fine $50 per day per employee (maximum $1,000, minimum $50 per day). Employer liable to suit with defenses abrogated and may be enjoined from doing business. Intentionally uninsured employer commits class 2 misdemeanor. |
| WASHINGTON | Compulsory | Required in state fund | Permitted | Fine of $25 to $100 per day plus 50% of cost of claim. On default of premium, employer is liable to penalty of 25% of premiums in default, and may be required to furnish double bond. In addition, employer may be enjoined from doing business. |
| WEST VIRGINIA | Compulsory | Required in state fund | Permitted | Employer liable to suit with defenses abrogated. |
| WISCONSIN | Compulsory | Required | Permitted | Fine of $10 to $100 or imprisonment from 30 days to 6 months, or both. Each day is a separate offense. Employer may be restrained from employing any person pending compliance. |
| WYOMING | Compulsory | Required in state fund | Not permitted | Fine of not more than $500, plus 10% of premiums due. Employer may also be enjoined from doing business. Employer liable to suit with defenses abrogated. |
| F.E.C.A. | Compulsory | Required in national fund | | |
| LONGSHORE ACT | Compulsory | Required | Individual and group | Fine of not more than $1,000 or 1 year in prison or both for failure to secure payment of compensation. |
| ALBERTA | Compulsory | Required in provincial fund | Not permitted | Failure to furnish required security—Board may order employer to cease employment; violation—fine of $5 to $100 daily or imprisonment up to 6 months. Failure to submit statement of wages—percentage of assessment plus penalty up to half of compensation payable, maximum $500; violation of judgment—injunction against operating. Failure to pay assessment—8% penalty; employer's goods may be seized. |
| BRITISH COLUMBIA | Compulsory | Required in provincial fund* | Not permitted | Failure to submit statement of wages—compensation payable plus percentage of assessment set by Board. Failure to pay assessment—unpaid amount plus costs of collection and percentage penalty; compensation payable; and employer may be enjoined from operating. |
| MANITOBA | Compulsory | Required in provincial fund | Not permitted | Failure to submit statement of wages—maximum fine $500. Failure to submit payroll return statement—employer liable for half of compensation payable (minimum $50). Failure to pay assessment—penalty of 5% of amount in default for first month and 1% for each succeeding month. |
| NEW BRUNSWICK | Compulsory | Required in provincial fund* | Not permitted | Failure to submit statement of wages—maximum penalty $500 plus percentage fixed by Board. Failure to pay assessment—employer liable for compensation payable plus penalty of 12% per year and costs of collection. |
| NEWFOUNDLAND | Compulsory | Required in provincial fund | | Failure to submit statement of wages—maximum fine $500 plus percentage assessment or interest. Failure to pay assessment—assessment plus costs of collection, percentage penalty, and compensation payable; employer may be enjoined from operating. |
| NORTHWEST TERRITORIES | Compulsory | Required in territorial fund | Not permitted | Failure to submit statement of wages or to pay assessment—employer liable for compensation payable and assessment, plus percentage of assessment as penalty established by Board or regulations. |
| NOVA SCOTIA | Compulsory | Required in provincial fund | Not permitted | Employer liable for compensation payable. Failure to submit statement of wages—employer liable for unpaid amount and costs of collection plus 5% penalty, 1% penalty for each month in default. $50 if annual statement. Failure to pay assessment—2% penalty plus 1% for each month in default and employer may be enjoined from operating. |
| ONTARIO | Compulsory | Required in provincial fund | Not permitted | Failure to submit statement of wages upon commencing operations and at other required times—penalty plus liability for additional percentage of assessment and costs of claim at discretion of Board. |
| PRINCE EDWARD ISLAND | Compulsory | Required in provincial fund | Not permitted | Failure to report payroll or pay assessment—penalty of $100 per week of default plus 2% of amount unpaid after 1 month and 1% for each additional month. Failure to pay assessment—employer may be enjoined from operating. |
| QUEBEC | Compulsory | Required in provincial fund* | Not permitted | Failure to submit statement of wages upon commencing operations or at other required times—maximum fine $500. Failure to pay assessment, employer liable for percentage penalty to be established by Board and also a fine of not over $100 per day. |
| SASKATCHEWAN | Compulsory | Required in provincial fund | Not permitted | Failure to submit statements of wages upon commencing operations or at other required times—maximum fine $500. Failure to pay assessment, employer liable for percentage penalty to be established by Board and may be enjoined from operating. |
| YUKON TERRITORY | Compulsory | Required in territorial fund | Not permitted | Failure to submit statement of wages—maximum fine $500 plus percentage of assessment. Failure to pay assessment—percentage penalty, and employer may be enjoined from operating. |
| CANADIAN MERCHANT SEAMEN'S ACT | Compulsory | Risks must be covered by insurance or other means | At discretion of Board | Failure to insure or cover by other means satisfactory to the Board may cause ship to be detained by Customs. |

S.C. *Unless employer rejects.
**Willful failure to insure is misdemeanor punishable by fine of $100 to $1,000 or imprisonment of 30 days to 6 months, or both.

Texas *If employer accepts.
**Except for state and political subdivisions.

B.C. *Employer directly liable for compensation if injury was caused by employer's gross negligence or lack of an accident prevention program, maximum $18,784.23.

N.B. *Subject to approval of Lt.-Gov. in Council. Board may make arrangement for insurance or reinsurance.

Quebec *Subject to approval of Lt.-Gov. in Council. Board may make arrangement for insurance or reinsurance.

| JURISDICTION | EMPLOYMENTS COVERED[1] | | EXCEPTIONS[2] | SPECIAL COVERAGE PROVISIONS[1] |
|---|---|---|---|---|
| | PRIVATE | PUBLIC | | |
| ALABAMA | Compulsory as to employers of 3 or more. Elective as to owner of business. | Compulsory as to all public employments except municipalities of less than 2,000 population and school districts. | Domestic servants and casual employees. | Voluntary for employers of less than 3, including farmers. |
| ALASKA | Compulsory as to all employments, including elected or appointed corporate executive officers. | Compulsory as to state and political subdivisions, members of state boards, and commissions. Includes regular firemen if not prohibited by local law. Voluntary as to executive officers of municipal corporations. | Part-time baby sitters, cleaning persons, harvest help, etc. | Voluntary as to executive officers of a charitable, religious, educational, or other nonprofit corporation. |
| AMERICAN SAMOA | Compulsory as to employers of 3 or more; coverage may be required for all hazardous employments. | Compulsory as to all public employments. | | Voluntary as to exempt employers. |
| ARIZONA | Compulsory as to employments. Employee may reject. | Compulsory as to state, counties, cities, towns, municipal corporations, and school districts. | Domestic servants and casual employees. | Voluntary as to employers of domestic servants. Motion picture business employers and employees may be exempted from law provided equal benefits are provided by insurance in domicile state. |
| ARKANSAS | Compulsory as to employers of 3 or more. Elective as to partners or sole proprietors. | Compulsory as to state agencies, departments, and institutions, and counties. | Farm labor, domestic servants, casual workers, public charities, vendors, or distributors of newspapers and other publications. | Voluntary as to excepted employments. Compulsory for building repair work if contractor employs 2 or more employees at any one time. Compulsory for contractor who employs 1 or more and who subcontracts. |
| CALIFORNIA | Compulsory as to all employments. Elective as to working member of partnership. | Compulsory as to all public employments except clerks and deputies serving without remuneration. | Newspaper vendors, charity workers, and volunteer member workers at camps, etc., operated by nonprofit organizations. Employers sponsoring bowling teams.[4] Domestics who work less than 52 hours during preceding 90 days or earn less than $100. | Voluntary as to excepted employments and sponsoring agencies of Economic Opportunity Programs. Employer not liable for injury due to off-duty recreational, social, or athletic activity not part of work-related duties. |
| COLORADO | Compulsory as to all employments. | Compulsory as to all salaried public employments. Job trainees deemed employees of training commission. | Employees of religious or charitable organizations, domestic servants and casual employees who earn less than $2,000 per year, volunteer ski lift operators. | As farm labor covered in 1971. Officers of farm corporation may reject coverage. |
| CONNECTICUT | Compulsory as to all employments. Corporate officer may reject. Elective as to sole proprietors or partners. | Compulsory as to all state, public corporations, and members of General Assembly. Municipalities may elect coverage of elected and appointed officials, police, and firemen. | Casual employees, outworkers,[3] domestics employed less than 26 hours weekly, officers of fraternal organizations paid less than $100 per year. | Voluntary as to excluded employments. |
| DELAWARE | Compulsory as to all employments. | Elective as to state and certain counties, cities, and towns. | Domestic servants, casual employees earning less than $300 in 3 months from one household, farm labor. | |
| DISTRICT OF COLUMBIA | Compulsory as to all employments. | Compulsory for all public employments, except officers or employees of the United States, state, or foreign government. | Domestic workers, farm labor, casual employees, master or crew of any vessel, and employees of common carrier by railroad in interstate commerce. | |
| FLORIDA | Compulsory as to employers of 3 or more. Elective as to corporate officers, partners, and sole proprietors. | Compulsory as to state and political subdivisions, except elected officials. | Domestic servants, casual employees, 12 or fewer casual or 5 or fewer regular farm labor, professional athletes, employees of common carriers, and volunteers in nonprofit agencies or federal programs. | Voluntary as to excepted employments. Excludes real estate salesmen; solely on commission. Numerical exemption inapplicable to employees of subcontractors. |
| GEORGIA | Compulsory as to all employers of 3 or more. | Compulsory as to state, county, municipal corporations, and political subdivisions, including school districts. Voluntary as to planning commissions. | Farm labor, domestic servants, employees of common carriers by railroad and casual labor. | Voluntary as to excepted employments. |
| GUAM | Compulsory as to all industrial employments.[4] | Compulsory as to paid and voluntary work done for Government of Guam or any political subdivision except federal employees covered by F.L. 208 and elected officials. | Workers in interstate or foreign commerce covered by federal law, farm labor, and casual labor. | "All contracts of hire are presumed to include an agreement to cover injuries received outside the territory by accident arising out of and in the course of employment." |
| HAWAII | Compulsory as to all industrial employments.[4] | Compulsory as to all public officials, elective or appointed. Covers public board members. | Employees of religious, charitable, or nonprofit organizations. Domestics who earn less than $225 during each quarter in the preceding year. Unpaid 25% shareholders of corporation with no employees. | Voluntary as to employments not defined as industrial. |
| IDAHO | Compulsory as to all employments. Elective as to corporate officers who are 10% shareholders, sole proprietors, and working members of partnership. | Compulsory as to all public employments. | Agricultural pursuits, domestic servants, casual labor, or dwelling members of employer's family, outworkers,[3] employment not for money, airmen, and commission real estate salesmen and brokers. | Employees within state who work for employers domiciled in another state are covered. Credit is provided for benefits paid to employees under the law of other states. |
| ILLINOIS | Compulsory as to enumerated "extra hazardous" employments (including occupational diseases). | Compulsory as to all public employments except members of fire and police departments in cities over 200,000 population. | Certain farm labor, domestics, and persons not in usual course of employer's business, real estate brokers and salesmen paid by commission only. | Voluntary as to excluded employments.[5] |
| INDIANA | Compulsory as to all employments including corporate officers. Elective as to sole proprietors, or partners. | Compulsory as to state, municipal corporations, and political subdivisions. Includes state legislators and elected and appointed officials. | Farm labor, domestic servants, casual workers, and railroad workers.[6] | Compulsory as to coal mining. |
| IOWA | Compulsory as to all employments, including corporate executive officers who are employees. | Compulsory as to all public employments; except firemen and policemen entitled to pension fund. Covers highway safety patrol officers, conservation officers, and agricultural workers at state universities. | Domestic and casual workers earning under $200 per quarter, farm labor, if employer payroll under $1,000 per year, or any regular employee for less than 40 hours weekly during 13 weeks. | Employees within state who work for employers domiciled in another state are covered. Credit is provided for benefits paid to employees under the law of other states. |
| KANSAS | Compulsory as to all employments, including corporate executive officers. Elective as to partners, individuals, or self-employeds. | Compulsory as to all public employments. Members of firemen's relief associations may elect to accept or reject coverage. | Farm labor or any employer whose gross annual payroll is not more than $10,000. | Compulsory as to eleemosynary institutions. Voluntary as to excluded employments. Labor unions and associations may elect coverage for their members who perform services and are not full-time employees. |

NOTE: State courts vary in decisions whether minimum of persons must be in state.

[1]Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option of either accepting or rejecting the act, but if he rejects it he loses the customary common law defenses (risk assumed by employee, negligence of fellow servants, and contributory negligence). In most states workers in excepted or excluded employments may be brought under coverage of the act through voluntary action of the employer. In other states, such action of the employer must be concurred in by the employees.

[2]Applying to private employments only. The exceptions for public employments are given under "Employments Covered—Public."

[3]Outworker is person to whom articles are given for cleaning, repair, etc., at home.

Alab. *Special act covers employees of U.S.S. Alabama Battleship Comm. and authorizes excess medical care benefits not to exceed $10,000 per employee, also, for employees of Department of Agricultural and Industries.

Calif. *Excludes amateur athletic participants who are not employees.

Guam *Employment in trade, occupation, or profession, carried on by employer for pecuniary gain.

Hawaii *Employment in trade, occupation, or profession, carried on by employer for pecuniary gain.

Ill. *The law is "elective" as to private employments of a nonhazardous nature, but it does not abrogate the employer's defenses if he does not accept the act, and thus is considered to be voluntary.

Ind. *Elective for officer of a charitable, religious, educational, or nonprofit corporation.

(continued)

| JURISDICTION | EMPLOYMENTS COVERED[1] | | EXCEPTIONS[2] | SPECIAL COVERAGE PROVISIONS[1] |
|---|---|---|---|---|
| | PRIVATE | PUBLIC | | |
| KENTUCKY | Compulsory as to all employments, including corporate executives. Elective as to owner of business or partner. Worker may reject voluntarily prior to injury. | Compulsory as to state and political subdivisions, including elected and appointed state officials and employees of the General Assembly. | Domestic servants if employer employs fewer than 2 each regularly employed 40 hours a week; casual workers employed less than 20 consecutive days; agricultural labor; worker for charitable or religious organization in return for aid or sustenance; and participant in carpool to and from work. | Specifically covers newsboys and operators of coal mines. Voluntary as to excluded employments. |
| LOUISIANA | Compulsory as to all employments, including corporate executives. Corporate officers who are 10% shareholders, partners, and sole proprietors may reject. | Compulsory as to all public employments, except officials. | Crews of crop spraying aircraft while acting as contractors or employees of persons principally engaged in agriculture. | Excludes officers of nonprofit charitable, fraternal, cultural, or religious corporations or associations. |
| MAINE | Compulsory as to all employments, including corporate executive officers. Corporate officers who are 20% shareholders may reject. Elective as to self-employed persons or partners. | Compulsory as to state, counties, cities, towns, and quasi-municipal corporations. | Casual or seasonal farm labor; domestic servants; maritime employees in interstate or foreign commerce; or lobster sternman. | Voluntary as to excluded employments. Parent, spouse, or child of sole proprietor or partner may reject coverage. |
| MARYLAND | Compulsory as to all employments, including corporate officers. Elective as to partners or sole proprietors. Covers farm and dairy farmers with 3 or more employees. | Compulsory as to state, counties, cities, and their agencies; paid firemen in certain counties; prisoners working for county roads boards; forest wardens; crewmen and fire fighters for Department of Forest and Parks; jurors for non-federal courts. | Domestic servants who earn less than $250 in any quarter from a single household and certain maintenance workers not employed for 30 consecutive days; around a private home, casual, seasonal, or migratory farm labor who do not operate machinery. | Voluntary as to excluded employments. Officers of close corporation may reject. Small employers of farm labor may be insured under a group policy. |
| MASSACHUSETTS | Compulsory as to all employments. | Compulsory as to state; elective as to counties, cities, and districts having power of taxation. Municipalities required to indemnify police and firemen. Cities and towns may cover certain elected or appointed officials. | Seasonal and casual labor; domestic servants employed less than 16 hours a week; masters and seamen in interstate commerce covered by federal law; athletes whose contracts provide wages during job disability. | Voluntary as to domestic servants hired casually or on a seasonal basis. |
| MICHIGAN | Compulsory as to all employers of 3 or more; or less than 3 if 1 is employed for 35 hours per week for 13 consecutive weeks by same employer. | Compulsory as to all public employments. Trainees in federally funded training program deemed employees of sponsoring public entity. | Professional athletes whose average weekly wage is more than 200% of statewide average weekly wage. | Voluntary as to employer of 2 or less, and domestic service. Spouse employed by spouse full time is eligible for benefits unless excluded from insurance policy by endorsement.* |
| MINNESOTA | Compulsory to all employments. Corporate officers may reject. Elective as to owners of (or partners in) family business or farm. | Compulsory as to all public employments, including elected and appointed state officers. Elective for officers of political subdivisions elected or appointed for regular term. | Household workers casual employees who earn under $500 per 3 months from one private household; family farms with annual farm labor payroll under $4,000*; railroad workers covered by federal law; and nonprofit corporations with annual payroll under $500; commercial thresher or baler for family farm. | Voluntary as to farm labor, domestic service, executive officer of family farm corporation, and executive officer of close corporation with less than 22,800 hours of payroll who is 25% shareholder. |
| MISSISSIPPI | Compulsory as to all employers of 5 or more. Corporate officers may reject. | Voluntary as to public employments. Specifically excludes handicapped in state sheltered workshop programs. | Domestic servants, farmers, farm labor, newspaper distributors, officers of nonprofit charitable, fraternal, cultural, or religious corporations or associations. | Voluntary as to exempted employers. |
| MISSOURI | Compulsory as to all employers of 5 or more.* | Compulsory as to all public employments, including elected and appointed state officials; contractors of a public corporation; state militia; and sheriffs and deputy sheriffs. Compulsory for workers on state welfare projects under federal Economic Opportunity Act. | Farm labor and domestic servants; employers with annual payroll under $10,000 exclusive of family members. | Voluntary as to exempt employments; employers of less than 5 employees; and salaried officers of Missouri corporations. |
| MONTANA | Compulsory as to all employments. Elective as to corporate officers, partners, and sole proprietors. | Compulsory as to all public employments, including public contractors. | Domestic and casual employment, family members, employers covered by federal law, and person performing services for aid and sustenance only. | Voluntary as to exempt employments. |
| NEBRASKA | Compulsory as to all employments. Corporate officers who are 25% shareholders may reject. | Compulsory as to all employments, including officials elected or appointed for fixed terms. | Farm labor and domestic servants. | Voluntary as to farm labor and domestic service. |
| NEVADA | Compulsory as to all employments. Elective as to sole proprietors. | Compulsory as to all employments, including public contractors. Also includes unpaid members of state departments, boards, commissions, agencies, or bureaus appointed by a statutory authority; members of local bands and orchestras. | Farm labor; domestic servants; casual employees; actors; except employees of motion picture producers; employees engaged without pay in employer's social or athletic events; and voluntary ski patrolmen. | Voluntary as to exempt employments. Employee may elect compensation if mandated employer is uninsured. |
| NEW HAMPSHIRE | Compulsory as to all employments. First 3 corporate officers not counted as employees. Elective as to partners and sole proprietors. | Compulsory as to all public employments. | Railroad workers covered under F.E.L.A. (Jones Act). | |
| NEW JERSEY | Elective as to all employments. | Compulsory as to all public employments. | Casual workers, maritime workers, and railroad workers engaged in interstate commerce. | Employers of domestic servants are not required to carry insurance but are liable for compensation under act. |
| NEW MEXICO | Compulsory as to employers of 3 or more. Corporate officers who are 10% shareholders may reject. | Compulsory as to state, counties, cities, towns, schools, drainage, irrigation, or conservancy districts, public instruction or administrative boards; includes elected or appointed officials. | Farm or ranch labor, domestic servants, and casual employees. | Numerical exception does not apply to structural work 10 feet above ground. Voluntary as to farm labor, domestic service, and where less than 3 are employed. |
| NEW YORK | Compulsory as to all employments, including corporate executives. | Compulsory as to state and subdivisions when worker is engaged in hazardous occupations enumerated. Covers school aides and public school teachers in districts outside New York City. Voluntary as to municipal corporations in nonhazardous employments. | Elective as to farm labor if payroll during prior year was less than $1,200; volunteer workers; and domestic workers not employed by same employer at least 40 hours per week. | Specifically includes newsboys under 18 (double compensation if employer knowingly hired in violation of education law). Excludes officers of religious, charitable, veteran, or educational corporation. |
| NORTH CAROLINA | Compulsory as to all employers of 4 or more and all employments with exposure to radiation. Corporate officers count toward total number of employees but may reject. | Compulsory as to public employments, public and quasi-public corporations, and elective officials. | Farm labor; domestic servants; casual workers; railroad workers; voluntary ski patrolmen; individual sawmill or logging operators with fewer than 10 employees who operate less than 60 days over a 6-month period. | Voluntary as to casual employees, farm labor, domestic servants, and employers of fewer than 4 employees. |
| NORTH DAKOTA | Compulsory as to all hazardous employments. Excludes corporate officers unless performing duties performed by employee. | Compulsory as to all public employments. | Farm labor; domestic servants; casual workers; illegal enterprises or occupations. | Voluntary as to nonhazardous and excluded employments. |

NOTE: State courts vary in decisions whether minimum number of persons must be in state.

[1]Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option of either accepting or rejecting the act, but if he rejects it he loses the customary common law defenses (risk assumed by employee, negligence of fellow servants, and contributory negligence). In most states workers in excepted or excluded employments may be brought under coverage of the act through voluntary action of the employer. In other states, such action of the employer must be concurred in by the employees.

[2]Applying to private employments only. The exceptions for public employments are given under "Employments Covered—Public."

Mich. *Effective 1.1.82, any family member may be excluded by endorsement, and corporate officer who is 10% shareholder of corporation with up to 10 shareholders may reject.

Minn. *1980 legislative increase to $8,000 is in litigation.

Mo. *Employers of fewer than 5 employees who do not elect coverage are liable to suit with defenses abrogated.

(continued)

| JURISDICTION | EMPLOYMENTS COVERED[1] | | EXCEPTIONS[2] | SPECIAL COVERAGE PROVISIONS[1] |
|---|---|---|---|---|
| | PRIVATE | PUBLIC | | |
| OHIO | Compulsory as to all employments. Elective as to partners and sole proprietors. | Compulsory as to state, counties, cities, townships, incorporated villages, and school districts. Police and firemen in cities with pension funds are paid the difference if pension is less. | Officers of a family farm corporation. Casual and domestic workers paid less than $160 by one employer in any 3-month period. | |
| OKLAHOMA | Compulsory as to all employments. Elective as to 10% shareholders, partners, and sole proprietors. | Compulsory as to the state, counties, cities, or municipalities employing workers in hazardous employments, except where equivalent schemes are in force. | Domestic and casual employees of homeowner whose annual payroll is under $10,000; worker covered by federal law; agricultural horticultural employer whose annual payroll is under $100,000; real estate salesmen and brokers. | |
| OREGON | Compulsory as to all employments. Elective as to corporate officers and sole proprietors. | Compulsory as to state, departments, cities, or towns and other political subdivisions. Covers volunteer trainees in state schools for deaf and blind. | Domestics; casual labor; interstate transportation; and certain charitable or relief work. | Voluntary as to excepted employments. Covers clients in Vocational Rehabilitation Division. Partners operating equipment for hire may elect coverage. |
| PENNSYLVANIA | Compulsory as to all employments. | Compulsory as to all public employments. Students in vocational work program covered as employees of employer. | Domestic or casual labor; outworker[3]; farmer with 1 employee who works less than 20 days a year or earns less than $150 a year. | Voluntary as to casual and domestic service.* |
| PUERTO RICO | Compulsory as to all employments. | Compulsory as to all public employments with or without salary. | Casual workers and persons who work at home. | Compulsory for sole proprietors and their families when supervising or engaging in manual labor in their business or farm. |
| RHODE ISLAND | Compulsory as to all employers of 4 or more, and employers in hazardous occupations. | Compulsory as to the state and city of Providence; elective as to cities or towns. | Agriculture; domestic service. | Voluntary as to agriculture, domestic service, and employers of less than 4 employees, except those in hazardous occupations. |
| SOUTH CAROLINA | Elective as to all employers of 4 or more, including active partners and sole proprietors whose employees are eligible for benefits. | Compulsory as to all public employments except elective and appointive officials. | Casual employees; persons engaged in selling agricultural products; farm labor; railroads; express companies; state and county fair associations; employer with annual payroll under $3,000. | Voluntary as to excluded employments. |
| SOUTH DAKOTA | Compulsory as to all employments. Elective as to employer performing labor incidental to job. | Compulsory as to all public employments, except elected or appointed officials. Firemen covered. Subdivisions of state may elect to cover elected and appointed officials. Students in vocational work program covered as employees of employer. | Farm labor; domestic servants if employed more than 24 hours in any week or more than 6 weeks in any 13-week period. | Voluntary as to farm labor and domestic service. Compulsory as to operators of farm machinery, e.g., threshers, combines, shellers, combuskers. |
| TENNESSEE | Compulsory as to all employers of 5 or more. Corporate officers may reject. Elective as to partners and sole proprietors. | Voluntary as to state and political subdivisions. | Farm labor; domestic servants; casual employees; employees of interstate common carriers; and voluntary sex patrolmen. | Voluntary as to employers of less than 5. |
| TEXAS | Elective as to all employments. Elective as to corporate officers, partners, and sole proprietors. | State provides self-insurance coverage for Highway Dept., University of Texas, and Texas A&M University. Counties and municipalities may provide compensation for their employees (by separate act). | Farm and ranch labor; domestic servants; railways used as common carriers; and employees not in usual course of employer's business. | Specifically covers motorbus companies. Elective as to excepted workers. Real estate salesmen by commission only may elect coverage.* |
| UTAH | Compulsory as to all employments. Elective as to partners and sole proprietors. | Compulsory as to all public employments. | Casual employees. Farm employers whose payroll is less than $2,500 per year, who do not employ 4 persons for 40 hours per week for 13 weeks during year, or employer-owner's family. Domestics who work less than 40 hours per week for a single employer. | Voluntary as to farm labor and domestic service. |
| VERMONT | Compulsory as to all employments. Corporate officers may reject. | Compulsory as to Buildings Division and Department of Highways (except office workers); teachers, towns and school districts (except officials); road commissioners or selectmen engaged in highway maintenance or construction; police and firemen; and persons entitled to pensions.* | Casual or domestic employees; amateur athletes; farm labor where employer's payroll is under $1,000 per year. | Specifically covers circuses and carnivals. Exempted farmers and employers of domestics may elect coverage. |
| VIRGIN ISLANDS | Compulsory as to all employments. Elective as to partners and sole proprietors. | Compulsory as to all public employments. | Casual and domestic employees, and volunteers for charitable organizations. | Voluntary as to exempt employers and employees. |
| VIRGINIA | Compulsory as to employers of 3 or more (4 or more farm employees or $15,000 annual payroll). Elective for corporate officers, partners, and sole proprietors. | Compulsory as to all public employments, except administrative officers and employees elected or appointed for definite terms. Includes judges of Supreme Court and Circuit Court and judges and clerks of juvenile, domestic relations, and district courts. | Casual employees; horticultural and farm laborers; domestic servants; employees of steam railroads; and employments not in usual course of employer's trade, business or occupation. | Voluntary as to employers of less than 3; farm labor; and domestics. |
| WASHINGTON | Compulsory as to all employments. Elective as to partners, sole proprietors, joint venturers, and corporate officers who are shareholders directors. | Compulsory as to all public employments. | Domestics; casual; railroad; or unpaid workers in eleemosynary institutions; child under 18 on a family farm; jockeys; and farm labor earning less than $150 from one employer in calendar quarter. | Covers apprentices registered with Apprenticeship Council. |
| WEST VIRGINIA | Compulsory as to all employments. Elective as to corporate officers, partners, and sole proprietors. | Compulsory as to the state and all governmental agencies or departments, including elective or appointive officials. | Farm labor of 5 or less and domestic servants. Elective for clergy. | Voluntary coverage for not more than 3 casual employees for 10 days in any calendar quarter. |
| WISCONSIN | Compulsory as to all employments (except farm labor) if paid $500 or more in any calendar quarter for services in the state. Compulsory as to farmers with 6 or more employees. | Compulsory as to all employees, including state legislators. | Domestic servants and casual employees. | Voluntary as to excluded employments. |
| WYOMING | Compulsory as to enumerated "extra-hazardous" occupations conducted for gain. Elective as to corporate officers.* | Compulsory as to state, counties, and municipal corporations when engaged in "extrahazardous" work. | Domestic servants and casual employees. | Elective as to farmers employing one or more. |
| F.E.C.A. | | All civil employees of the U.S. government, including employees of wholly owned instrumentalities, and persons performing activities of civil employees without pay. | | |

NOTE: State courts vary in decisions whether minimum number of persons must be in state.

[1]Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option to either accept or reject the act, but if he rejects it he loses the customary common law defenses (risk assumed by employee, negligence of fellow servants, and contributory negligence). In most states workers in excepted or excluded employments may be brought under coverage of the act through voluntary action of the employer. In other states such action of the employer must be concurred in by the employees.

[2]Applying to private employments only. The exceptions for public employments are given under "Employments Covered—Public."

[3]Outworker is person to whom articles are given for cleaning, repair, etc., at home.

Pa. *Elective for members of certain religious sects whose tenets prohibit benefits from insurance, provided the sect makes provision for its members.

Texas *CETA employees are deemed employees of the sponsor who disburses wages.

Vt. *Municipalities may elect coverage of other employees. Commissioner, State Treasurer, and State Auditor comprise Board that may award compensation to other state employees (except members of General Assembly and certain others).

Wyo. *Salary of corporate officer deemed $2,400 minimum, $4,800 maximum.

(continued)

| JURISDICTION | EMPLOYMENTS COVERED[1] | | EXCEPTIONS[2] | SPECIAL COVERAGE PROVISIONS[1] |
|---|---|---|---|---|
| | PRIVATE | PUBLIC | | |
| LONGSHORE ACT | Compulsory as to all maritime employment nationwide, including longshoring, harborworking, shipbuilding, or ship repair. | Officers and employees of the U.S. or any state or foreign governments are not covered. | Master or crew of any vessel and persons unloading or repairing vessels of less than 18 tons. Not applicable to maritime employment in Puerto Rico.* | Act also applies to workers at military bases and public works abroad; welfare and morale service workers for military abroad; and workers for nonappropriated funds (ship's services, PX's, etc.) in U.S. and abroad. |
| ALBERTA | Compulsory as to all nonexempted employments. Corporate officers are covered*; employer may elect coverage for self. Elective as to partners and sole proprietors. | Compulsory as to provincial employees; most school teachers are exempt. | Employments listed in General Regulations (includes farm labor, domestics, outworkers[3], financial institutions, religious and charitable institutions, legal services, medical and dental services, athletes, and employees of labor unions). | Voluntary as to excepted employments and corporate directors. Board determines coverage of workers receiving nominal or no remuneration. |
| BRITISH COLUMBIA | Compulsory as to all employments listed in Part I. Employer may elect coverage for self. | Compulsory as to all provincial and municipal employees, including members of fire brigade, ambulance staff, and mine rescue or inspection workers. | Outworkers[3], casual labor, performers. | Voluntary as to unenumerated employments. Board may include any industry by regulation. Lt. Gov.-in-Council may require coverage of commercial fishing industry. |
| MANITOBA | Compulsory as to all employments listed in Schedule I. Elective as to corporate officer, employer, or sole proprietor. | Compulsory as to all provincial and municipal employments, except employees of school boards, including teachers. Lt. Gov.-in-Council may exclude government agency workers. | Farm labor, domestic servants, outworkers[3], casual labor. | Voluntary as to unenumerated and excepted employments. Lt. Gov.-in-Council may include any industry by regulation. |
| NEW BRUNSWICK | Compulsory as to all regular employers of 3 or more. Compulsory as to salaried corporate officer or director. Employer may elect coverage for self. | Elective as to public employments. | Farm labor, outworkers[3], domestic servants, and casual employees.* | Voluntary as to excepted employments. Board sets numerical exemption by regulation. |
| NEWFOUNDLAND | Compulsory as to employments listed in Part I. Includes corporate executives; owner of business may elect coverage for self. | All provincial employees are covered. Elective as to municipal officers. Board may exclude public officials by regulation. | Casual labor, outworkers[3], and domestic servants. | Specifically covers owner of pulpwood logging business. Voluntary as to unenumerated and excepted employments. Unenumerated employers liable for negligence, with defenses abrogated except contributory negligence; not applicable to domestic servants. |
| NORTHWEST TERRITORIES | Compulsory as to all employments. Elective as to corporate officers. | Compulsory as to territory government. | Partners in professional firms. | Commissioner may exempt industry, employer, or worker. Voluntary as to excepted employment. |
| NOVA SCOTIA | Compulsory as to employments listed in Part I. Board has exempted employers of 2 or fewer. Includes corporate executives; employer may elect coverage for self. | Elective as to public employments. Firemen and police are excluded. Board may exclude public officials. | Casual labor, outworkers[3], farm labor, domestic servants. By regulation Board has excluded specific industries, including educational institutions, persons in medical work and dental surgery, veterinarians, athletes, barbers, taxicabs, florists, horticultural employment, entertainers, and aviation industry. | Voluntary as to excepted employments. Board may include or exclude any industry or set numerical exemption by regulation. |
| ONTARIO | Compulsory as to all employments listed in Schedules I and II. Corporate officer may elect coverage. | Compulsory as to all provincial and municipal employments. | Domestic servants, outworkers[3]. | Voluntary as to unenumerated and excepted employments. |
| PRINCE EDWARD ISLAND | Compulsory as to employments listed in Part I. Board has exempted employers with 1 employee. Elective as to corporate officer. | Compulsory except for municipal officers. Municipal firemen and police may be covered on application. | Casual labor, outworkers[3], farm labor, domestic servants, taxi industry, junk industry employers of 9 or fewer, aviation industry employers of 99 or fewer. | Voluntary as to unenumerated and excepted employments. |
| QUEBEC | Compulsory as to all employments listed in Schedules I and II. | Compulsory as to all provincial and municipal employments in industries covered in Schedules I and II. | Domestic servants, outworkers[3], and casual employees. | Voluntary as to unenumerated and excepted employments. |
| SASKATCHEWAN | Compulsory as to all employments. Compulsory for corporate officers and salaried employers. | Compulsory as to all provincial and municipal employments. Municipalities and corporations may elect coverage of mayor and members of governing body. | Farm and ranch labor, domestic servants, outworkers,[3] and teachers as defined by Education Act. | Voluntary as to excepted employments. Lt. Gov.-in-Council may exclude any industry, employer, or worker. |
| YUKON TERRITORY | Compulsory as to all employments. | Compulsory as to territory government. | Casual employees, domestics, outworkers[3]. | Voluntary as to excepted employments. |
| CANADIAN GOVERNMENT EMPLOYEES' ACT | | Compulsory as to employees of government departments, Crown corporations, boards, commissions, etc., in Canada and abroad. | | Claims are determined by provincial boards. Benefits same as for private employees in same province; worker in territory is deemed employed in Alberta. |
| CANADIAN MERCHANT SEAMEN'S ACT | Compulsory as to all employees of Canadian registered ships, as defined. | | Pilots, apprenticed pilots, and fishermen. | No compensation payable if entitled under Government Employees' Compensation Act or any provincial act. |

[1]Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option of either accepting or rejecting the act, but if he rejects it he loses the customary common law defenses (risk assumed by employee, negligence of fellow servants, and contributory negligence). In most jurisdictions workers in excepted or excluded employments may be brought under coverage of the act through voluntary action of the employer. In other jurisdictions, such action of the employer must be concurred in by the employees.

[2]Applying to private employments only. The exceptions for public employments are given under "Employments Covered—Public."

[3]Outworker is person to whom articles are given for cleaning, repair, etc., at home.

Longshore* By decisional law (Garcia v. Friesecke, 597 F.2d 284 (1st Cir.), cert. denied, ___ U.S. ___ (1979)).

Alta.* Corporate director may elect coverage.

N.B.* By regulation also excludes fishing industry, employers of less than 10 workers in hand laundry and air or water transport, employers of less than 500 workers on vessel in intraprovincial waters.

| JURISDICTION | COVERED | FUTURE EARNING CAPACITY | ILLEGAL EMPLOYMENT | SPECIAL BENEFIT PROVISIONS |
|---|---|---|---|---|
| ALABAMA | Yes | | Double compensation | Settlement valid |
| ALASKA | Yes | Considered | | |
| AMERICAN SAMOA | Yes | Considered | | Guardian may be required |
| ARIZONA | Yes | Considered | | Lump sum payable to guardian |
| ARKANSAS | Yes | | Double compensation* | |
| CALIFORNIA | Yes | Considered | 50% additional compensation† | Settlement valid until claimed by parent or guardian |
| COLORADO | Yes | | (+) | |
| CONNECTICUT | Yes | Considered | | If under 18, 50% additional compensation for scheduled injury. If under 16, 100% added. Guardian may be required |
| DELAWARE | Yes | | | |
| DISTRICT OF COLUMBIA | Yes | Considered | | |
| FLORIDA | Yes | | | Guardian may be required |
| GEORGIA | Yes | | | Board may appoint special guardian where no general guardian has been appointed |
| GUAM | Yes | Considered | | Guardian may be required |
| HAWAII | Yes | Considered* | | |
| IDAHO | Yes | Considered* | | Lump sum under probate jurisdiction |
| ILLINOIS | Yes | | If under 16, 50% additional compensation | Minor may elect suit for damages |
| INDIANA | Yes | | If under 16, double compensation†* | If over $100, payable to guardian |
| IOWA | Yes | Considered if apprentice or trainee | | Settlement valid |
| KANSAS | Yes | | | Payments to minor, guardian or conservator |
| KENTUCKY | Yes | Considered | | Lump sum payable to guardian |
| LOUISIANA | Yes* | | | |
| MAINE | Yes | | | |
| MARYLAND | Yes | Considered | Double compensation, discretionary† | |
| MASSACHUSETTS | Yes | Considered | Double compensation† | If guardian required, insurer must pay expenses |
| MICHIGAN | Yes | Considered* | If under 18, double compensation†* | |
| MINNESOTA | Yes | | | Entitled to maximum benefits if permanent partial disability. Guardian may be required |
| MISSISSIPPI | Yes | | Double compensation* | Guardian may be required |
| MISSOURI | Yes | Considered | 50% additional compensation | |
| MONTANA | Yes | Considered | | |
| NEBRASKA | Yes | | Same as adults | |
| NEVADA | Yes | | $300-$2000 payable into the state fund | |
| NEW HAMPSHIRE | Yes | Considered | Illegally employed, double compensation | |
| NEW JERSEY | Yes* | | Under 14, or between 14-18 without permit, double compensation.** Minor may elect suit for damages | Guardian required |
| NEW MEXICO | Yes | | | |
| NEW YORK | Yes | Considered | If under 18, double compensation† | Applies to second injuries, rehabilitation, and reopened cases |
| NORTH CAROLINA | Yes | Considered* | | Permanent disability payments over $500 payable to guardian |
| NORTH DAKOTA | Yes | Considered | | Lump sum payable to guardian |
| OHIO | Yes | Considered | Double compensation | Lump sum payable to guardian |
| OKLAHOMA | Yes | Considered | Excluded | |
| OREGON | Yes | | 25% (maximum $500) to state fund | Lump sum payable to guardian |
| PENNSYLVANIA | Yes | | If under 18, 50% additional compensation† | |
| PUERTO RICO | Yes | | If under 18, double compensation | |
| RHODE ISLAND | Yes | | Triple compensation | |
| SOUTH CAROLINA | Yes | | | If over $250, payable to guardian |
| SOUTH DAKOTA | Yes | | | |
| TENNESSEE | Yes | | | If over $250, payable to guardian* |
| TEXAS | Yes | Considered | | Payable to guardian |
| UTAH | Yes | Considered | | Lump sum payable to guardian |
| VERMONT | Yes | | | |
| VIRGIN ISLANDS | Yes | | 30% additional compensation† | |
| VIRGINIA | Yes | | | If over $300, payable to guardian |
| WASHINGTON | Yes | | 50% to state fund* | If over $750, lump sum payable under probate jurisdiction |
| WEST VIRGINIA | Yes | | Excluded | |
| WISCONSIN | Yes | Considered | Doubled or tripled* | Guardian may be required |
| WYOMING | Yes | | | Lump sum payable under probate jurisdiction |
| F.E.C.A. | Yes | Considered | | |
| LONGSHORE ACT | Yes | Considered | | |
| ALBERTA | Yes | Considered | | Paid as Board deems best |
| BRITISH COLUMBIA | Yes | Considered | | Paid as Board deems best |
| MANITOBA | Yes | Considered | | Paid as Board deems best |
| NEW BRUNSWICK | Yes | Considered | | Paid as Board deems best |
| NEWFOUNDLAND | Yes | Considered | If under 14, death benefit to parent may be withheld | Paid as Board deems best |
| NORTHWEST TERRITORIES | Yes | Considered | | Paid as Board deems best |
| NOVA SCOTIA | Yes | Considered | If under 14, death benefit to parent may be withheld | Paid as Board deems best |
| ONTARIO | Yes | Considered | (+) | Paid as Board deems best |
| PRINCE EDWARD ISLAND | Yes | Considered | (+) | Paid as Board deems best |
| QUEBEC | Yes | Considered | | Paid as Commission deems best |
| SASKATCHEWAN | Yes | | | Paid as Board deems best |
| YUKON TERRITORY | Yes | Considered | | Paid as Commissioner deems best |
| CANADIAN MERCHANT SEAMEN'S ACT | Yes | | | Paid as Board deems best |

†Employer may not insure additional amount of compensation.

Ark. *Unless minor misrepresents age in writing to employer.

Colo. *Permanent disability and death benefits paid at maximum rate payable at time of death or determination of permanent disability.

Hawaii *Permanent total disability and death benefits based on AWW employee would have received at age 25.

Idaho *Adult wages for all scheduled injuries.

Ind. *Student in vocational education program treated as worker age 17 and not entitled to double compensation.

La. *Compulsory coverage for minors between 12 and 18 engaged in street trade.

Mich. *If under 25 with permanent disability and wages would have been expected to increase (repealed effective 1-1-82).

**Except in case of fraudulent use of permits or age certificates.

Miss. *Employer may not insure additional amount of compensation. Students 14 and over employed between semesters or on on-the-job training, and junior auxiliary firemen, are excepted.

N.J. *Does not apply if working under certificate.

**Employer may not insure additional amount of compensation. Students age 14 and over employed between semesters or on on-the-job training, and junior auxiliary firemen, are excepted.

N.C. *Compensation for permanent disability or death with surviving dependents is based on AWW paid an adult employee in a position to which a minor employee would likely be promoted; if no position exists, then the minor is entitled to the maximum benefit. In temporary disability and no-dependency death cases, compensation may be increased in proportion to expected earnings where total disability extends over 52 weeks.

Wash. *Imposed only if minor is below minimum age for employment or working without permit.

Wis. *Doubles for minor of permit age employed without a permit. Maximum $7,500; tripled where such minor was employed in prohibited work, or in the case of minor under permit age and illegally employed. Maximum $15,000. Additional compensation payable by employer. Minors given contractual power under the Act. Employer misled by fraudulent written evidence of age by minor; extra compensation paid into special children's death benefit fund.

Ont. *Employer may be held individually liable.

P.E.I. *Employer may be held individually liable.

| JURISDICTION | NATURE OF COVERAGE | MEDICAL BOARDS | ONSET OF DISABILITY OR DEATH | TIME LIMIT ON CLAIM FILING | DEDUCTIONS FROM DEATH AWARDS | MEDICAL CARE | COMPENSATION |
|---|---|---|---|---|---|---|---|
| ALABAMA | Elective for all diseases. Special provisions for radiation. Law includes federal Black Lung Act provisions. | | Death—within 3 years after last exposure where employee was exposed to hazards within 5 years prior to injury, in each of at least 12 months. Radiation—death or disability within 3 years of exposure. | Within 1 year after injury, death, or last payment. Radiation—within 1 year after disability or death and claimant knows should know relation to employment. | | Unlimited. | Same as for accidents. |
| ALASKA | All diseases. | | | 2 years after knowledge of relation to employment. Within 1 year after death. | | Unlimited. | Same as for accidents. |
| AMERICAN SAMOA | All diseases. | Claimant examined by physician selected by Commissioner. | | Within 1 year after claimant knows should know relation to employment. | | Unlimited. | Same as for accidents. |
| ARIZONA | All diseases, including radiation. | Board of 3 medical consultants may be appointed by Commission. Report is prima facie evidence of facts. | | Within 1 year after disability or accrual of right, excusable.* | Disability payments. | Unlimited. | Same as for accidents. |
| ARKANSAS | All diseases, including radiation. | | Death—within 2 years after last exposure, or 7 years if following continuous disability. Radiation diseases excepted. | Within 2 years after last exposure or 2 years after death. Within 2 years after employee is advised by physician of condition, in radiation cases. | | 6 months limit, may be extended indefinitely. | Same as for accidents, including partial disability. |
| CALIFORNIA | All diseases. | | Death—within 1 year after injury or 240 weeks if following continuous disability. | Disability—within 1 year from injury or last payment. Death—within 1 year after death and in no case more than 240 weeks after injury. | | Unlimited. | Same as for accidents, including partial disability. |
| COLORADO | All diseases. | | Within 3 years after death; 5 years in case of radiation, asbestosis, silicosis, anthracosis, or 5 years if reasonable excuse. | Within 3 years after commencement of disability or death. Within 5 years in case of ionizing radiation, asbestosis, silicosis, or anthracosis. | | Maximum $20,000. Division of Labor may authorize additional care from Major Medical Insurance Fund. | Same as for accidents. |
| CONNECTICUT | All diseases, including radiation. | | Death—within 2 years after first manifestation of disease. | Within 3 years after first manifestation of disease, death—within 2 years after first manifestation of disease, or 1 year after death (whichever is later). | | Unlimited. | Same as for accidents, including partial disability. |
| DELAWARE | All diseases, including radiation. | | | Disability or death—within 1 year after claimant knows relation to employment. | | Unlimited. | Same as for accidents, including partial disability. |
| DISTRICT OF COLUMBIA | All diseases. | | | Within 1 year after injury, death, or last payment. | | Unlimited. | Same as for accidents, including partial disability. |
| FLORIDA | All diseases. | | Death—following continuous disability and within 350 weeks after last exposure. | Within 1 year after injury, death, or last payment. Within 2 years after injury in case of radiation disease. | | Unlimited. | Same as for accidents, including partial disability. |
| GEORGIA | All diseases. | Medical board of 5, finding conclusive. | Within 1 year after last exposure for disablement or death; 3 years for silicosis or asbestosis; 7 years for death following continuous disability. | Radiation—within 1 year after onset of disability and claimant knows should know relation to employment. | Disability payments. | Unlimited. | Same as for accidents, including partial disability or loss of use of a member or vision of an eye. |
| GUAM | All diseases. | | | Within 1 year after injury, death, or last payment. | | Unlimited. | Same as for accidents. |
| HAWAII | All diseases, including radiation. | | | Within 2 years after claimant knows relation to employment. | | Unlimited. | Same as for accidents. |
| IDAHO | All diseases. | | Death—within 1 year after last exposure or 4 years following continuous disability. | Within 1 year after manifestation of disease, death, or 5 years after last payment. Radiation—within 1 year after disability or death and claimant knows should know relation to employment. | Disability payments. | Unlimited. | Same as for accidents. |
| ILLINOIS | All diseases. | | Disability—within 2 years after last exposure (3 years for beryllosis or silicosis). Radiation—disability or death within 25 years. | Within 3 years after disablement, death, or last payment, whichever is later. | Disability payments but with minimum compensation. | Unlimited. | Same as for accidents, including partial disability. |
| INDIANA | All diseases. | | Disablement—within 2 years after last exposure, within 3 years if exposed to asbestos, coal, or silica dust. Death—within 2 years after disablement. | Within 2 years after disablement or death. Radiation—within 2 years after claimant knows should know relation to employment. | Disability payments. | Unlimited. | Same as for accidents, including partial disability. |
| IOWA | All diseases. | Medical Board decides controverted medical questions, provides medical examinations for certain employees. | Disablement—within 1 year after exposure (3 years for pneumoconiosis). Death—within 2 years after last exposure, or 7 years following continuous disability. | Within 2 years after death or disablement. Radiation—within 90 days after disablement or death and claimant knows should know relation to employment. | Same as for accidents. | Unlimited. | Same as for accidents, including partial disability. |
| KANSAS | All diseases. | | Disablement—within 1 year after last exposure. Death—within 1 year after last exposure, 7 years after continuous disability. | Within 1 year after disablement or death. Radiation—within 1 year after claimant knows should know relation to employment. | | Unlimited. | Same as for accidents. |
| KENTUCKY | All diseases. Law includes federal Black Lung Act provisions.* | | Death—within 3 years after last exposure or first manifestation of disease (whichever is later), 20 years after last exposure if following continuous disability. | Disability—within 3 years after last exposure or first manifestation (whichever is later), death—within 3 years after death, waived if voluntary payment. Final deadline 5 years after last exposure, except 20 years in radiation cases. | | Unlimited. | Same as for accidents, including partial disability. Payable by employer where last injuriously exposed.** |

Ariz. *Limit on filing runs from when injury is manifest or when claimant knows should know relation to employment; tolled during incapacity.

Ky. *Black lung claimant must file under state and federal law.
**Where disablement occurs after 5 years' exposure or results from coal miner's pneumoconiosis, benefits may be apportioned among employer of last exposure and several state funds.

CHART IV ☐ COVERAGE OF OCCUPATIONAL DISEASES ☐ (continued)

| JURISDICTION | NATURE OF COVERAGE | MEDICAL BOARDS | ONSET OF DISABILITY OR DEATH | TIME LIMIT ON CLAIM FILING | DEDUCTIONS FROM DEATH AWARDS | MEDICAL CARE | COMPENSATION |
|---|---|---|---|---|---|---|---|
| LOUISIANA | All diseases | | Diseases contracted in less than 1 year presumed to be nonoccupational. Presumption is rebuttable by overwhelming preponderance of evidence. | Disability—within 6 months after manifestation, occurrence of disability, or worker knows should know relation to employment. Death—within 6 months, or within 6 months after worker knows should know relation to employment. | Same as for accidents. | Unlimited. | Same as for accidental injury. |
| MAINE | All diseases. Special provision for loss of hearing. | | | Within 2 years after injury or last payment or 1 year after death.* | Disability payments. | Unlimited. | Same as for accidents. |
| MARYLAND | All diseases.* | | | Within 2 years after disablement, death, or actual knowledge of relation to employment, excusable (3 years for pulmonary dust disease). | | Unlimited. | Same as for accidents, including partial disability. |
| MASSACHUSETTS | All diseases. | | | Within 1 year after injury, or death, excusable. | Disability payments. | 2 week limit, may be extended in unusual cases. | Same as for accidents, including partial disability. |
| MICHIGAN | All diseases. | | | Within 6 months after disablement or 1 year after death. Within 3 years if disability develops after 6 months from date of injury.* | | Unlimited. | Same as for accidents, including partial disability. |
| MINNESOTA | All diseases; includes radiation. | | | Within 3 years after employee's knowledge of cause of disability. | | Unlimited. | Same as for accidents. |
| MISSISSIPPI | All diseases. | | | Within 2 years after injury or death. | Same as for accidents. | Unlimited. | Same as for accidents. |
| MISSOURI | All diseases. | | | Within 2 years after injury or death, or 2 years after employer files injury report.* Claim filing tolls limitation, but no claim may be filed after 5 years from injury or death. | Disability payments. | Unlimited. | Same as for accidents, including partial disability. |
| MONTANA | All diseases.* Law includes federal Black Lung Act provisions. | Examinations made by 1 or more members of the occupational disease panel.** | Disability must occur within 120 days after date of last employment, extendable to 1 year. For silicosis, 4 years after last employment. Death must occur 1 year after last employment, 3 years if continuously disabled. Silicosis—within 4 years after last employment, 7 years if continuously disabled. | Within 1 year after claimant knows should know relation to employment, may be extended 2 more years. Within 3 years after date of last employment. | Disability payments. | Unlimited. | Same as for accidents, excluding partial disability. |
| NEBRASKA | All diseases. | | | Within 2 years after injury or death. | | Unlimited. | Same as for accidents, including partial disability. |
| NEVADA | All diseases by schedule or definition. | Medical board as provided for in Industrial Commission. | | Within 90 days after disability or 1 year after death. | Disability payments. | Unlimited. | Same as accident. Excluded employers may elect to come under Act by voluntary compliance with rules of Commission. |
| NEW HAMPSHIRE | All diseases; includes radiation. | | | As soon as practical within 90 days after injury, death, last payment. Extended unless undue prejudice. Notice required within 2 years from date of disablement.* | Disability payments. | Unlimited. | Same as for accidents. |
| NEW JERSEY | All diseases. Special provisions for loss of hearing. | | | Within 2 years after claimant knows relation to employment. | | Unlimited. | Same as for accidents. |
| NEW MEXICO | All diseases. | | | Within 1 year after disability or death. Radiation—within 2 years after incapacity and claimant knows should know relation to employment. | Disability payments. | Unlimited. | Same as for accidents. |
| NEW YORK | All diseases. | | Certain latent diseases must be contracted within 5 years prior to death, except radiation cases. | Within 2 years after injury or death, or 90 days after disablement and claimant's knowledge, for slow starting diseases. Special provision for radiation cases. | | Unlimited. | Same as for accidents, including partial disability. Also, partial disability for silicosis and other dust diseases.* |
| NORTH CAROLINA | All diseases; includes radiation. Special provisions for loss of hearing. | Board of 3 appointed by Commission; findings advisory. | Death within 2 years after injury, or 6 years if totally disabled. | Within 2 years after disablement, death, or last payment. Radiation—within 2 years after incapacity and claimant knows should know relation to employment. Brown lung claims compensable regardless of last exposure, effective 6-25-80-4-30-81. | | Unlimited. | Same as accidents, including partial disability. Unpaid death benefits of 104 weeks paid to victims' survivors in silicosis or asbestosis cases plus 300 additional weeks if totally disabled. |
| NORTH DAKOTA | All diseases. Law includes federal Black Lung Act provisions. | | Disability within 1 year after injury, if disability before death, death within 1 year after disability ceases, death must occur within 6 years from injury. | Within 1 year after injury or death. | | Unlimited. | Same as accidents, including partial disability. |
| OHIO | All diseases. | Medical specialist in specific cases. Findings advisory. | | Within 2 years after disability or death but no longer than 6 months after diagnosis or death. | | Unlimited. | Same as for accidents, including partial disability. |

Maine *Time for filing claims for disability due to radiation does not begin to run until claimant knows should know causal connection, and worker need not be exposed for minimum 60-day period.

Md. *Except black lung cases eligible for benefits under federal law.

Mich. *Effective 1-1-82, within 2 years after claimant knows should know relation to employment.

Mo. *3 years from injury if no injury report filed. Time limits do not begin to run until injury is reasonably apparent.

Mont. *Employee may reject in writing.
**Employer may require physical examination of employees. Employer is not liable for future disabilities of employee who has occupational disease but is not disabled.

N.H. *Date of injury is last date of exposure or first date worker knows should know relation to employment.

N.Y. *Total disability or death due to dust reimbursed from special fund for all payments over 104 weeks.

CHART IV COVERAGE OF OCCUPATIONAL DISEASES (continued)

| JURISDICTION | NATURE OF COVERAGE | MEDICAL BOARDS | ONSET OF DISABILITY OR DEATH | TIME LIMIT ON CLAIM FILING | DEDUCTIONS FROM DEATH AWARDS | MEDICAL CARE | COMPENSATION |
|---|---|---|---|---|---|---|---|
| OKLAHOMA | All diseases | | Within 5 years from date of filing or last payment | Within 18 months after last exposure or manifestation and diagnosis by a physician | | Unlimited | Same as for accidents |
| OREGON | All diseases | | | Within 5 years after last exposure and within 180 days after disablement or physician informs claimant of disablement. 10 years after last exposure for radiation disease | | Unlimited | Same as for accidents including partial disability |
| PENNSYLVANIA | All diseases (includes radiation) Law includes special black lung provisions.* | Board may order examination by impartial physician | For silicosis, asbestosis, and coal miners' pneumoconiosis, disability or death within 4 years after last exposure | Within 3 years after disablement, death, or last payment. Radiation—within 3 years after the employee knows should know relation to employment | | Unlimited plus vocational rehabilitation | Same as for accidents |
| PUERTO RICO | All diseases | | Disability—within 1 year after last exposure, except diseases with longer latency periods | Within 3 years from time employee learns nature of disability | | Unlimited | Same as for accidents |
| RHODE ISLAND | All diseases | Director of Labor appoints impartial physician | | Within 3 years after disability or death. Radiation—within 1 year after claimant knows should know relation to employment | Disability payments | $600-$1,200 limit, may be extended | Same as for accidents including partial disability |
| SOUTH CAROLINA | All diseases. Law includes special provisions for radiation | Medical Board determines controverted medical questions; pulmonary cases may be referred to pulmonary specialist of state medical universities | | Within 2 years after disability or definitive diagnosis and knowledge or 1 year after death. Radiation—within 1 year after claimant knows should know relation to employment | Disability payments | Unlimited | Same as for accidents including partial disability |
| SOUTH DAKOTA | All diseases,* includes radiation | Division may contract with physicians for reports | | Within 2 years after disability or death. Radiation—within 1 year after disability and claimant knows relation to employment | Disability payments | Unlimited | Same as accidents with limitations as specified but increasing monthly until maximum is reached |
| TENNESSEE | All diseases. Law includes federal Black Lung Act provisions | | | Within 1 year after incapacity or death | Same as for accidents | Unlimited | Same as accident, including partial disability |
| TEXAS | All diseases | Provides for medical committee to pass on controverted questions, and with power to order examinations | | Within 6 months after injury or first distinct manifestation. 6 months after death. May be extended | Same as for accidents | | Same as for accidents |
| UTAH | All diseases, special provision for loss of hearing. Law includes federal Black Lung Act provisions | Commission appoints medical panel of 1 or more to report on extent of disability | Partial disability—within 2 years after last exposure | Within 1 year after cause of action arises. 1 year after death. Partial disability—within 2 years. Radiation—within 1 year after claimant knows should know relation to employment | Disability payments | Unlimited | Same as for accidents. Temporary total disability limited to 52 weeks. Permanent partial disability limited to 104 weeks |
| VERMONT | All diseases | | Disablement—within 5 years after last exposure. Death—during employment or after continuous disability beginning within 5 years after last exposure, but no later than 12 years after last exposure. Does not apply to radiation | Within 1 year after discovery, death, loss of damage suit, or removal of incapacity. Radiation—within 1 year after first incapacity and worker knew should have known relation to employment | | Unlimited | Same as for accidents unless exception stated |
| VIRGIN ISLANDS | All diseases | | Occupational deafness—within 6 months after last exposure | Within 60 days after disability | | Same as for accidents | Same as for accidents |
| VIRGINIA | All diseases. Law includes federal Black Lung Act provisions | | | Within 2 years after diagnosis is first communicated to worker, or within 5 years after last exposure, whichever is first.* Within 3 years after last payment or death | Disability payments | Unlimited | Same as for accidents, including partial disability |
| WASHINGTON | All diseases | | | Within one year after physician's notice to claimant | | Unlimited | Same as for accidents, including partial disability |
| WEST VIRGINIA | All diseases. Law includes special black lung provisions | Occupational Diseases Medical Board appointed by Commissioner determines medical questions.* Findings conclusive unless objected to within 30 days | | Within 3 years after knowledge or last exposure. Within 2 years after death | | $3,000 maximum but may be extended if necessary | Same as for accidents including partial disability. In death cases, $80 per month to dependent father and mother |
| WISCONSIN | All diseases. Special provision for loss of hearing | May appoint independent medical expert in doubtful cases | | Within 2 years after injury or death, or after claimant knows should know relation to employment. All rights barred after 10 years from injury, death, or last payment except when employer knows of injury.* | | Unlimited. Loss of hearing—$7,000 maximum | Same as for accidents, including partial disability |
| WYOMING | All diseases | Yes | | Within 1 year after diagnosis or 3 years after exposure, whichever is first. Within 1 year after death. Radiation—within 1 year after diagnosis | Disability payments | Unlimited | Same as for accidents |
| F.E.C.A. | All diseases | | | Within 60 days after injury or 1 year after death. Extended for cause | | Unlimited | Same as for accidents |
| LONGSHORE ACT | All diseases | | | Within 1 year after injury or death | | Unlimited | Same as for accidents |

Pa.* Where disablement develops only after 5 years' exposure, liability is borne 60% by employer and 40% by state. Black lung provisions provide for employer-state benefit cost sharing on a scale increasing yearly.

S.D.* Heart and lung diseases arising out of and in the course of employment are deemed occupational diseases.

Va. *5-year limitation does not apply to cataract of the eyes, skin cancer, radium disability, ulceration, undulant fever, angiosarcoma of the liver due to vinyl chloride exposure, or mesothelioma.

W. Va. *Occupational Pneumoconiosis Board considers only this disease.

Wis. *Radiation or lung disease—12 years. Claims made after 10 or 12 years paid from Work Injury Supplemental Fund.

(continued)

| JURISDICTION | NATURE OF COVERAGE | MEDICAL BOARDS | ONSET OF DISABILITY OR DEATH | TIME LIMIT ON CLAIM FILING | DEDUCTIONS FROM DEATH AWARDS | MEDICAL CARE | COMPENSATION |
|---|---|---|---|---|---|---|---|
| ALBERTA | All diseases | Independent medical board may be appointed to report on medical questions and extent of disability | Disablement presumed compensable if within 1 year after last exposure | Within 1 year after injury or death 3 years after death if worker filed for injury. Silicosis—disablement or death following exposure during 450 work shifts | | Unlimited | Same as for accidents |
| BRITISH COLUMBIA | All diseases | Medical review panel appointed by Lt.-Gov. in Council. Decision final as to medical evidence | | Within 1 year after disablement or death excusable within 3 years * | | Unlimited | Same as for accidents |
| MANITOBA | All diseases | Medical or neurosis review panel reports on medical questions. Special panel for silicosis | | Within 1 year after injury or death. Silicosis—1 year after last exposure, if continuously exposed, within 2 years after exam free of disease | | Unlimited | Same as for accidents |
| NEW BRUNSWICK | All diseases | Medical panel appointed by Lt.-Gov. in Council. Decision final as to medical evidence | Disablement within 1 year after exposure | Within 1 year after injury or 6 months after death | | Unlimited | Same as for accidents |
| NEWFOUNDLAND | All diseases | Committee of medical referees appointed by Board. Decision final as to medical evidence | Disablement within 10 years after retirement | Within 6 months after injury or death | | Unlimited | Same as for accidents |
| NORTHWEST TERRITORIES | All diseases | Board may require examination by impartial physician | | Disability—within 1 year after injury excusable. Death—within 3 years after last employment and within 3 years after death | | Unlimited | Same as for accidents |
| NOVA SCOTIA | All diseases | Board may appoint medical board to advise on silicosis and coal miner's pneumoconiosis cases | Disablement or death within 1 year after last employment (no limit for radiation) | Within 6 months after injury or death. Silicosis or coal miner's pneumoconiosis—within 5 years after last employment and within 1 year after discovery of relation to employment, excusable but paid only from filing date | | Unlimited | Same as for accidents |
| ONTARIO | All diseases | | | Within 6 months after injury or death, excusable | | Unlimited | Same as for accidents |
| PRINCE EDWARD ISLAND | All industrial diseases | | Disablement within 1 year after last exposure | Within 6 months after injury or death | | Unlimited | Same as for accidents |
| QUEBEC | All diseases | | Disablement within 1 year after last exposure | Within 6 months after injury or death | | Unlimited | Same as for accidents |
| SASKATCHEWAN | | Medical panel issues final decision on disputed medical questions | Disablement with 1 year after last exposure | Within 6 months after injury or death | | Unlimited | Same as for accidents |
| YUKON TERRITORY | All diseases | Disputes may be referred to 1 practitioner for decision | Death—3 years after last exposure* | Disability—1 year after last exposure* | | Unlimited | Same as for accidents |
| CANADIAN MERCHANT SEAMEN'S ACT | All diseases | Disablement in the course of employment, otherwise than as a result of an accident, is compensated as for an accident | | | | | |

B.C. *After 3 years, compensation is payable only from date of filing.

Yukon *Within 3 years after accident in just case if proof is filed with Commissioner.

# PART 2
# BENEFITS PROVIDED

Since workers' compensation imposes an absolute (but limited) liability upon the employer for employee disabilities caused by the employment, the benefits payable to the injured employee attempt to cover most of the worker's economic loss. This loss includes both loss of earnings and extra expenses associated with the injury.

Specifically, the benefits provided are:

- **Cash benefits,** which include both impairment benefits and disability benefits. The former are paid for certain specific physical impairments, while the latter are available whenever there is an impairment *and* a wage loss.
- **Medical benefits,** which are usually provided without dollar or time limits. In the case of most workplace injuries, only medical benefits are provided since substantial impairment or wage loss is not involved.
- **Rehabilitation benefits,** which include both medical rehabilitation and vocational rehabilitation for those cases involving severe disabilities.

## CASH BENEFITS

In considering workers' compensation income or cash benefits—which replace employee loss of income or earning capacity due to occupational injury or disease—*four classifications of disability* are used: (1) temporary total, (2) permanent total, (3) temporary partial, and (4) permanent partial. Permanent partial is divided into "nonscheduled" and "scheduled" disabilities.

Most cases involve *temporary total disability.* That is, the employee—although totally disabled during the period when benefits are payable—is expected to recover and return to employment. *Permanent total disability* generally indicates that the employee is regarded as totally and permanently unable to perform gainful employment.

## INCOME BENEFITS FOR PERMANENT AND TEMPORARY TOTAL DISABILITY: CHART V

Income or cash benefits payable under either temporary total or permanent total disability are shown in Chart V. For computing weekly benefit payments, a formula—expressed as a percentage of wage—is used. In most states limitations are placed on maximum and minimum benefits payable weekly; some states also limit the total number of weeks and total dollar amount of benefit eligibility. Where there is permanent total disability most states provide payments extending through the employee's lifetime.

For either temporary total or permanent total disability the wage-replacement percentage in each jurisdiction is the same. However, in permanent total disability cases the time limits tend to be longer and the total dollar amounts higher than in cases of temporary total disability. Some states provide additional amounts for dependents and other benefits. Allowances for dependents are charted as a range in the Maximum Weekly Payment and Notations columns.

## PARTIAL DISABILITY

Most awards and the preponderance of dollars paid out as income benefits are either for temporary total or permanent partial disability. As partial disabilities involve current earnings or wage-earning ability, in many states weekly benefit payments for temporary or permanent *partial disabilities* of the "non-scheduled" type are based on a wage-loss replacement percentage. The percentage applies to the difference between wages earned before and after injury. In some states "non-scheduled" permanent partial disabilities are compensated as a percentage of the total disability cases.

## INCOME BENEFITS FOR SCHEDULED INJURIES: CHART VI

Chart VI indicates maximum amounts payable in cases of "scheduled" injuries. Listed by law, these injuries involve loss—or loss of use of—specific body members, where wage loss based on nature of impairment is presumed. In most jurisdictions the actual amount payable is a specific number of weeks of benefits (based on the member involved) multiplied by the weekly benefit amount (based on earnings at time of injury).

The chart also indicates whether the "scheduled" award is in addition to any payment otherwise payable to the employee while he may be temporarily totally disabled (healing period). Some states limit the amount payable for such periods of temporary total disability.

The Canadian statutes do not provide schedules of specific injuries. Cases are decided individually using medical impairment ratings as guidelines.

## SURVIVOR BENEFITS FOR FATAL INJURIES: CHART VII

Benefits payable in the event of fatal injuries—comprising more than 14 percent of all total income benefits—are shown in Chart VII. The benefits provided include a burial allowance as well as a proportion of the worker's former weekly wages.

Although death is the ultimate work-related tragedy, the economic loss associated with death cases is often less than that of a permanent total disability. Because of these considerations, death benefits are generally paid to the spouse until remarriage and to the children until a specified age. In addition, some laws provide a maximum benefit total expressed as a maximum period for the payment of benefits.

## MEDICAL BENEFITS, WAITING PERIOD: CHART VIII

**Medical Benefits**—amounting to about 30 percent of all workers' compensation benefits paid—are shown in Chart VIII. In all U.S. jurisdictions and all Canadian provinces unlimited medical benefits are provided either specifically by statute or by administrative discretion.

**Waiting Periods**—Statutes provide that a waiting period must elapse during which income benefits are not payable. This waiting period affects only compensation; medical and hospital care are provided immediately. If disability continues for a certain number of days or weeks, most laws provide for payment of income benefits retroactive to the date of injury. Statutory provisions for waiting periods are summarized in Chart VIII.

## REHABILITATION BENEFITS: CHART IX

Mutual interests of disabled employees and employers generally favor starting rehabilitation as soon as possible. Although rehabilitation is considered an integral part of complete medical treatment, its uses may extend beyond this (for example, where it includes vocational rehabilitation and retraining).

Specific rehabilitation provisions now in workers' compensation laws are outlined in Chart IX. However, rehabilitation is provided in all states even if unspecified in the law. Maintenance allowance amounts and special fund sources to finance rehabilitation also are indicated.

Insurance carriers and many employers having medical departments are leaders in carrying on rehabilitation for the industrially injured. Likewise, many major industries have comprehensive programs for employment of the physically handicapped. Smaller industries maintain modified programs for placement of disabled individuals in congenial tasks. All of these private programs help employees and employers alike.

The Federal Vocational Rehabilitation Act is now effective in all states; it includes federal funds to aid states in vocational rehabilitation of the industrially disabled.

| JURISDICTION | PERCENT OF WAGES | MAXIMUM WEEKLY PAYMENT | | MINIMUM WEEKLY PAYMENT | | TIME LIMIT | AMOUNT LIMIT | AUTOMATIC COST OF LIVING INCREASE | OFFSETS[2] | NOTATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| | | AMOUNT | RATE | AMOUNT | RATE | | | | | |
| ALABAMA | 66-2/3 | $148.00 | 66-2/3% SAWW | $56.00[1] | 25% SAWW[1] | TT—300 weeks<br>PT—Disability | TT—$44,400 | | | Annual increase in maximum effective July 1.* |
| ALASKA | 66-2/3 | 859.00 | 200% SAWW | 65.00[1] | | Disability | | | Social Security | Annual increase in maximum effective January 1. |
| AMERICAN SAMOA | 66-2/3 | | | | | Disability | | | | Compensation increased 10% if installment without award unpaid after 14 days; 20% if installment following award unpaid after 10 days. |
| ARIZONA | 66-2/3 | 203.64 | | | | TT—Disability<br>PT—Life | | | | Benefits payable monthly. Additional $10 monthly if 1 or more total dependents; not subject to maximum. |
| ARKANSAS | 66-2/3 | 126.00 | | 15.00 | | TT—450 weeks<br>PT—Disability | TT—56,700 | | | 15% penalty for employer's violation of safety laws; payable to Second Injury Fund. |
| CALIFORNIA | 66-2/3 | 175.00 | | 49.00 | | TT—Disability<br>PT—Life | | TT—after 2 years | | Additional $70 weekly during rehabilitation; 50% increased compensation up to $10,000 if injury due to employer's serious, willful misconduct. |
| COLORADO | 66-2/3 | 244.65 | 80% SAWW | | | TT—Disability<br>PT—Life | | | Social Security | Annual increase in maximum effective July 1. Compensation increased 50% if employer failed to comply with insurance provisions. Compensation decreased 50% if injury results from worker's failure to obey safety regulations or from intoxication. |
| CONNECTICUT | 66-2/3 | 285.00<br>to<br>427.50 | 100% SAWW | 20.00 | | Disability | | October 1 | | Annual increase in maximum effective October 1. Additional $10 weekly per dependent child under 18; maximum 50% of basic benefit or 75% of wage (whichever is less). Compensation increased to 75% of wages if employer violated OSHA regulation.* |
| DELAWARE | 66-2/3 | 175.20 | 66-2/3% SAWW | 58.40[1] | 22-2/9% SAWW[1] | Disability | | | | Annual increase in maximum effective July 1. |
| DISTRICT OF COLUMBIA* | 66-2/3 | 456.24 | 200% NAWW | 114.06[1] | 50% NAWW[1] | Disability | | PT—October 1 | | Annual increase in maximum effective October 1. |
| FLORIDA | 66-2/3 | 228.00 | 100% SAWW | 20.00 | | TT-350 weeks<br>PT-Disability | TT—$79,800 | | Unemployment compensation, Social Security | Annual increase in maximum effective January 1. Compensation increased 10% if installment unpaid after 14 days.* |
| GEORGIA | 66-2/3 | 110.00 | | 25.00[1] | | Disability | | | | Board may assess $500 penalty for refusal, unreasonable delay, or willful neglect to make payment.* |
| GUAM | 66-2/3 | 56.00 | | 28.00[1] | | Disability | 20,000 | | | Compensation increased 10% for late payment without award; 20% if award. |
| HAWAII | 66-2/3 | 235.00 | 100% SAWW | TT—58.75*<br>PT—58.75 | TT—25% SAWW*<br>PT—25% SAWW | Disability | | | | Annual increase in maximum effective January 1. Compensation may be increased 10% for failure to pay within 31 days after decision or award, or within 10 business days for uncontroverted temporary total disability case. |
| IDAHO | 60 | 198.00<br>to<br>275.00 | 90% SAWW | 99.00 | 45% SAWW | Disability | | After 52 weeks | | Annual increase in maximum effective January 1. For first 52 weeks benefit is 60% of worker's wages if there are no dependent children under 18; after 52 weeks benefit is 60% of SAWW. Benefit is increased 7% of SAWW per dependent child (up to 5), but may not exceed 90% of wages. |
| ILLINOIS | 66-2/3 | 376.30 | 133 1/3% SAWW | TT—100.90*<br>PT—141.13 | PT—50% SAWW | TT—Disability<br>PT—Life | | PT—July 15 of 2nd year | | Semiannual increases in maximum effective January 15 and July 15.** |
| INDIANA | 66-2/3 | 140.00 | | 50.00[1] | | 500 weeks | 70,000 | | | After 500 weeks, additional benefits are payable from second injury fund in 150-week increments.* |
| IOWA | 80% of spendable earnings | 384.00 | 166-2/3% SAWW* | (--) | | Disability | | | | Annual increase in maximum effective July 1. |
| KANSAS | 66-2/3 | 170.00 | 75% SAWW | 25.00 | | Disability | TT—75,000<br>PT—100,000 (includes TT) | | | Annual increase in maximum effective July 1. Compensation may be increased up to $100 per week past due (plus up to $25 per week past due for failure to pay medical bill). |
| KENTUCKY | 66-2/3* | 233.26 | 100% SAWW* | 46.65[1] | 20% SAWW[1] | Disability | | | | Annual increase in maximum effective January 1. Compensation increased or decreased 15% if injury caused by safety violation. Late payment penalty is 6% per year. |
| LOUISIANA | 66-2/3 | 163.00 | 66-2/3% SAWW | 49.00[1] | 20% SAWW[1] | Disability | | | PT—Social Security | Annual increase in maximum effective September 1. |

[1]Actual weekly wage if less.

[2]Social Security offsets generally apply by formula up to 50% of basic benefit.

Alab. *Compensation may be increased up to 10% for failure to pay within 30 days after due.

Conn. *Maximum benefit including allowance for dependents works out to $427.50, 10-1-80 to 10-1-81. 12% interest added if undue delay in payment; 6% interest added if undue delay in adjustment (4 weeks presumed undue delay).

D.C. *Benefits for D.C. government employees are same as for F.E.C.A. 1980 benefits.

Fla. *Compensation increased 20% if unpaid 30 days after award.

Ga. *Income benefits payable without award increased 15% if not paid within 14 days unless claim is controverted or Board excuses. Awarded benefits increased 20% if not paid within 20 days unless Board grants review.

Hawaii *Actual wages if less, but no less than $38.

Ill. *Minimum TT benefit is $100.90 if unmarried and ranges up to $124.30 if 4 or more dependents. In all cases claimant receives actual weekly wage if less.
**TT benefits may be increased $10 per day, up to $2,500, for unreasonable delay in payment; 14 days is presumed unreasonable. Compensation may be increased 50% for unreasonable or vexatious delay in payment. Compensation may be increased 25% for employer's willful violation of safety standard.

Ind. *Award is increased 5% if employer loses on court appeal; court may increase to 10%.

Iowa *Maximum increased to 200% of SAWW, effective 7-1-81.
**Minimum weekly wage is 35% of SAWW (--$80.54); benefits determined by worker's tax status.

Ky. *80% of AWW during rehabilitation. Maximum raised to 100% of SAWW, effective July 15, 1980.

(continued)

| JURISDICTION | PERCENT OF WAGES | MAXIMUM WEEKLY PAYMENT | | MINIMUM WEEKLY PAYMENT | | TIME LIMIT | AMOUNT LIMIT | AUTOMATIC COST OF LIVING INCREASE | OFFSETS[2] | NOTATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| | | AMOUNT | RATE | AMOUNT | RATE | | | | | |
| MAINE | 66-2/3 | $322.17 | 166-2/3% SAWW* | $25.00 | | Disability | | July 1 | Unemployment compensation | Annual increase in maximum effective July 1. Compensation may be increased 10% for failure to pay uncontroverted claim within 10 days.** |
| MARYLAND | 66-2/3 | 248.00 | 100% SAWW | TT-50.00†<br>PT-25.00† | | Disability | | (+) | | Annual increase in maximum effective January 1. If permanent disability exceeds 50% of whole body, worker receives additional compensation from Subsequent Injury Fund after completion of payments by employer. |
| MASSACHUSETTS | 66-2/3 | 245.48 | 100% SAWW | 40.00* | | Disability | TT—$45,000 (includes permanent partial disability) | | | Annual increase in maximum effective October 1. Additional $6 weekly per dependent if total benefit does not exceed $150 or 100% of wages.** |
| MICHIGAN | 66-2/3*** | 181.00 to 210.00 | (+++) | 144.00 to 159.00 | (+++) | Disability* | | PT*** | Social Security—persons age 65 to 75*** | Annual increase in maximum effective January 1. Minimum is increased $3 per dependent up to 5 dependents; maximum is increased $5 for first dependent and $6 each for second through fifth dependents.**,*** |
| MINNESOTA | 66-2/3 | 244.00 | 100% SAWW | 122.00* | 50% SAWW* | Disability | | October 1 | Social Security after $25,000 paid** | Annual increase in maximum effective October 1. 8% interest for late payments. |
| MISSISSIPPI | 66-2/3 | 98.00 | | 25.00 | | 450 weeks | 44,100 | | | Additional rehabilitation allowance up to $10 weekly for 52 weeks. |
| MISSOURI | 66-2/3 | 150.00* | (+) | | | TT—400 weeks<br>PT—Life | TT—60,000 | | | 8% interest for late payments.** |
| MONTANA | 66-2/3 | 219.00 | 100% SAWW | | | Disability | | | Social Security | Annual increase in maximum effective July 1. Compensation may be increased 20% for period payment is unreasonably delayed or refused. |
| NEBRASKA | 66-2/3 | 180.00 | | 49.00† | | Disability | | | | |
| NEVADA | 66-2/3 | 245.09 | 100% SAWW | | | TT—Disability<br>PT—Life | | | | Benefits payable monthly. Annual increase in maximum effective July 1. |
| NEW HAMPSHIRE | 66-2/3* | 213.00 | 100% SAWW | 30.00* | | Disability** | | July 1 | | Annual increase in maximum effective July 1. Double compensation if employer violated prior recorded safety standard. |
| NEW JERSEY | 70 | 199.00 | 75% SAWW | 53.00 | 20% SAWW | TT—400 weeks<br>PT—Life | TT—79,600 | | | Annual increase in maximum effective January 1. After 450 weeks at reduced rate if employed; at full rate if not able to be rehabilitated. |
| NEW MEXICO | 66-2/3 | 221.50 | 100% SAWW | 36.00† | | 600 weeks | 132,900 | | | Annual increase in maximum effective January 1. 10% additional compensation payable by employer for failure to provide safety devices. |
| NEW YORK | 66-2/3 | 215.00 | | TT—20.00†<br>PT—30.00† | | Disability | | | | Persons receiving PT benefits may collect full compensation and wages if working, but not in excess of pre-injury wage. |
| NORTH CAROLINA | 66-2/3 | 210.00 | 100% SAWW | 20.00 | | TT—Disability<br>PT—Life | | | | Annual increase in maximum effective October 1. |
| NORTH DAKOTA | 66-2/3 | 213.00 plus dependents | 100% SAWW | 128.00† | 60% SAWW† | Disability | | | Social Security | Annual increase in maximum effective July 1. Additional $5 weekly per dependent child under 18, total benefits not subject to maximum, but may not exceed pre-injury after-tax wages. |
| OHIO | 72—first 12 weeks<br>66-2/3—after 12 weeks | 275.00 | 100% SAWW | TT— 91.67†<br>PT—137.50† | TT—33-1/3% SAWW†<br>PT—50% SAWW† | TT—200 weeks*<br>PT—Life | TT—55,000 | | | Annual increase in maximum effective January 1. If PT benefit plus Social Security are less than $115.75 weekly, Disabled Workers' Relief Fund pays difference; amount increased annually by increase in Consumer Price Index. |
| OKLAHOMA | 66-2/3 | 155.00 | 66-2/3% SAWW | 30.00† | | TT—300 weeks<br>PT—Disability | TT—46,500 | | | Annual increase in maximum effective October 1. TT may be extended to 500 weeks. |
| OREGON | 66-2/3 | 261.32 | 100% SAWW | 50.00* | | Disability | | | PT—Social Security | Annual increase in maximum effective July 1. Additional $5 weekly per dependent (up to 5), not subject to maximum.** |
| PENNSYLVANIA | 66-2/3 | 262.00 | 100% SAWW | 131.00* | 50% SAWW* | Disability | | | | Annual increase in maximum effective January 1. |
| PUERTO RICO | 66-2/3 | TT—45.00<br>PT—31.25 | | TT—10.00<br>PT—12.50 | | TT—312 weeks<br>PT—Life | TT—14,040<br>PT—$18,900 | | | Compensation doubled if due to employer's violation of safety or health law or regulation. |
| RHODE ISLAND | 66-2/3 | 217.00 to 260.40 | 100% SAWW | 30.00 | | Disability | | | | Annual increase in maximum effective September 1. Additional $6 per dependent child under 18, total benefit not subject to maximum, but may not exceed 80% of pre-injury wages.* |
| SOUTH CAROLINA | 66-2/3 | 216.00 | 100% SAWW | 25.00 | | 500 weeks | 108,000 | | | Annual increase in maximum effective January 1. |
| SOUTH DAKOTA | 66-2/3 | 191.00 | 100% SAWW | 96.00† | 50% SAWW† | TT—Disability<br>PT—Life | | | | Annual increase in maximum effective January 1. |
| TENNESSEE | 66-2/3 | 119.00* | | 15.00 | | TT—Disability<br>PT—550 weeks** | 47,600 | | | After 400 weeks PT benefit is reduced to $15. |

Maine. *Maximum increased to 200% of SAWW, effective 7.1.81.
**Carrier may be assessed up to $25 per day for failure to pay award within 10 days. Added benefits during rehabilitation—$35 weekly.

Md. *Benefits increased January 1 for persons injured any time during July 1, 1965, through June 30, 1978, and receiving PT benefits in July, 1973.

Mass. *Actual wages if less, but no less than $20 if working at least 15 hours a week.
**Double compensation if injury due to employer's serious and willful misconduct. If no benefits are paid prior to final decision of claim, award is based on benefits in effect at time of decision instead of date of injury.

Mich. *Conclusive presumption of PT disability does not extend beyond 800 weeks from injury; thereafter determined in accordance with facts.
**Maximum raised $1 for every $1.50 increase in SAWW. Additional $50 per day for award unpaid after 30 days; maximum $1,500.
***Changes effective 1.1.82. Benefit is 80% of after-tax AWW, maximum 90% of SAWW, no minimum. Cost of living increase only for injuries prior to 1.1.82. Annual increase in maximum effective January 1.

Minn. *Actual wages if less, but no less than 20% of SAWW: $48.80 through 9.30.81. After 104 weeks total disability, supplementary benefits bring compensation to 65% of SAWW: $158.60 through 9.30.81.
**Government disability benefits from same injury also offset.

Mo. *Effective August 13, 1980. Maximum increased to 66-2/3% of SAWW, effective August 13, 1981.
**Compensation increased 15% if injury caused by failure to comply with statute or order; decreased 15% if caused by worker's failure to use safety device.

N.H. *If wage is less than $30, benefit is actual wage; if wage $30-$35, benefit is $30; if wage $35-$40, benefit is $32; benefit increases in $3 increments per $5 increase in wage up to $135; if wage $135-138, benefit is $92; if wage is over $138, benefit is 66-2/3% of wage up to maximum.
**After six successive years of payment, additional payments may be made only on order of the commissioner upon application by the employee and to the employer; if employer objects, a medical panel is provided for.

Ohio. *After 200 weeks claimant examined to determine if disability is permanent.

Ore. *90% of actual wages, if less.
**Employer may be sued for damages for failure to comply with posted notice of violation of safety code.

Pa. *Actual wages if less, but no less than 33-1/3% of SAWW.

R.I. *No compensation for PT disability if worker is earning pre-injury wages.

Tenn. *Effective July 1, 1980.
**From date injury is determined to be permanent.

(continued)

| JURISDICTION | PERCENT OF WAGES | MAXIMUM WEEKLY PAYMENT | | MINIMUM WEEKLY PAYMENT | | TIME LIMIT | AMOUNT LIMIT | AUTOMATIC COST OF LIVING INCREASE | OFFSETS[2] | NOTATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| | | AMOUNT | RATE | AMOUNT | RATE | | | | | |
| TEXAS | 66-2/3 | $133.00 | | $25.00 | | 401 weeks | $53,333 | | | Annual increase in maximum effective September 1.* |
| UTAH | 66-2/3 | TT—230.00<br>PT—196.00 | TT—100% SAWW<br>PT— 85% SAWW | 45.00[1] | | Disability* | | | | Annual increase in maximum effective July 1. Additional $5 if spouse, plus $5 per dependent child under 18 (up to 4); total benefit may not exceed maximum.* |
| VERMONT | 66-2/3 | 208.00 plus dependents | 100% SAWW | 104.00[1] | 50% SAWW[1] | TT—Disability<br>PT—330 weeks* | PT—68,640* | July 1 | | Annual increase in maximum effective July 1. Additional $5 per dependent child under 21; total benefits not subject to maximum but may not exceed pre-injury wages.** |
| VIRGIN ISLANDS | 66-2/3 | TT—139.00*<br>PT—125.10* | TT—100% SAWW*<br>PT—90% SAWW* | 60.00[1]* | | Disability | | After 2 years on January 1 | | Annual increase in maximum effective January 1. Total disability benefits begin after medical and vocational rehabilitation end. Compensation increased 15% for injury caused by employer's failure to obey safety order.* |
| VIRGINIA | 66-2/3 | 213.00 | 100% SAWW | 53.25[1] | 25% SAWW[1] | TT—500 weeks<br>PT—Disability* | TT—106,500 | October 1** | | Annual increase in maximum effective July 1. Compensation increased 20% for failure to pay within 2 weeks after due. |
| WASHINGTON | 60 | 204.66 | 75% SAWW | 42.69* | | Disability | | July 1 | Social Security under age 62 | Benefits payable monthly. Annual increase in maximum effective July 1. Additional 5% of wages for spouse, plus 2% of wages per dependent child (up to 5); up to maximum.** |
| WEST VIRGINIA | 70 | 262.08 | 100% SAWW | 87.36 | 33-1/3% SAWW | TT—208 weeks<br>PT—Life | TT—54,513 | | | Annual increase in maximum effective July 1. |
| WISCONSIN | 66-2/3 | 249.00* | 100% SAWW* | 30.00 | | TT—Disability<br>PT—Life | | | Social Security | Compensation may be reduced 15% for worker's failure to use safety devices. |
| WYOMING | TT—66-2/3 | TT—362.34<br>PT—241.56 plus dependents | TT—100% SAWW<br>PT—66-2/3% SAWW | TT— 43.38<br>PT—241.56 | PT—66-2/3% SAWW | TT—Disability<br>PT—Life | (+) | | | Benefits payable monthly. Quarterly increases in maximum effective January 1, April 1, July 1, and October 1. PT benefit fixed at 66-2/3% of SAMW plus lump sum per child calculated at $60 per month until age 18 (21 if invalid). |
| F.E.C.A. | 66-2/3 | 642.47 to 722.78 | 75% of highest rate for GS-15 | 129.10[1] | 75% of lowest rate for GS-2[1] | TT—Disability<br>PT—Life | | October 1 | | Benefits payable monthly. Increase in minimum effective October 7, 1980. Additional 8 1/3% of AWW payable if 1 or more dependent. |
| LONGSHORE ACT | 66-2/3 | 456.24 | 200% NAWW | 114.06[1] | 50% NAWW[1] | Disability | | PT—October 1 | | Annual increase in maximum effective October 1. |
| ALBERTA | 75 | 316.44 | | TT—141.53[1]<br>PT—141.53 | | TT—Disability<br>PT—Life | | | | PT payable monthly. Maximum annual earnings $22,000, effective 1.1.81. Employer must pay half of costs of the claim, to Accident Fund if injury caused by safety violation.* |
| BRITISH COLUMBIA | 75 | 320.19 | | 140.88[1] | | TT—Disability<br>PT—Life | | January 1 and July 1 | Pension | PT payable monthly. Maximum annual earnings $22,200. Annual increase in maximum effective January 1.* |
| MANITOBA | 75 | 302.89 | | TT—92.31[1]<br>PT—92.31 | | TT—Disability<br>PT—Life | | | Pension | PT payable monthly. Maximum annual earnings $21,000. Annual increase in maximum effective January 1.* |
| NEW BRUNSWICK | 75 | 259.62 | | TT— 90.00[1]<br>PT—115.38 | | TT—Disability<br>PT—Life | | | | PT payable monthly. Maximum annual earnings $18,000, effective 1.1.81.* |
| NEWFOUNDLAND | 75* | 274.04 | | TT—111.27[1]<br>PT—111.27 | | TT—Disability<br>PT—Life | | | | PT payable monthly. Maximum annual earnings $19,000, effective 1.1.81. Board may raise compensation as it deems equitable. |
| NORTHWEST TERRITORIES | 75 | 242.31 | | 106.32[1] | | TT—Disability<br>PT—Life | | | | Benefits payable monthly. Maximum annual earnings $16,800, effective 1.1.79. |
| NOVA SCOTIA | 75 | 216.35 plus dependents | | TT—90.00[1]<br>PT—82.85* | | TT—Disability<br>PT—Life | | PT—January 1 | | PT payable monthly. Maximum annual earnings $15,000, effective 1.1.80. Additional $17.54 weekly per child; total benefit may exceed maximum. |
| ONTARIO | 75 | 266.83 | | TT—129.00[1]<br>PT—131.77* | | TT—Disability<br>PT—Life | | TT— after 12 months | | PT payable monthly. Maximum annual earnings $18,500, effective July 1, 1979. |
| PRINCE EDWARD ISLAND | 75 | 216.35 | | 60.00* | | TT—Disability<br>PT—Life | | | | Maximum annual earnings $15,000, effective April 1, 1980. |
| QUEBEC | 90% of weighted net income | 280.14 to 315.52* | 150% of Quebec average industrial earnings | | | TT—Disability<br>PT—Life | | January 1 | | Maximum annual earnings $23,500. Annual increase in maximum effective January 1.** |
| SASKATCHEWAN | 75 | 346.15 | | 116.54* | | TT—Disability<br>PT—Life | | | Pension | PT payable monthly. Maximum annual earnings $24,000, effective 1.1.81. After 2 years disability, an amount equal to 10% of compensation is set aside to purchase annuity for benefits after age 65.** |
| YUKON TERRITORY | 75 | 302.05 | | 77.00[1] | | TT—Disability<br>PT—Life | | January 1 | | Maximum annual earnings $21,000. Annual increase in maximum effective January 1.* |
| CANADIAN MERCHANT SEAMEN'S ACT | 75 | 216.35 | | 85.00 | | TT—Disability<br>PT—Life | | | | Benefits payable monthly. Maximum annual earnings $15,000. Gov.-in-Council may raise benefits to level paid in maritime provinces. |

Texas *Maximum increased $7 and minimum increased $1 per $10 increase in SAWW.

Utah *Disability beyond 312 weeks is payable from Second Injury Fund; minimum $85 weekly.

Vt. *From date disability is determined to be permanent.
**Benefits may be disallowed if injury results from worker's failure to use safety device.

V.I. *During vocational rehabilitation, income benefits are 75% of AWW, maximum SAWW, minimum $75 or actual wages if less.

Va. *500-week limit for certain PT cases.
**Recipient of Social Security ineligible for cost of living increases.

Wash. *Plus $8.53 for first child, $7.15 for second child, $5.30 each for third through fifth children, and $6.92 for spouse.
**50% penalty payable to Accident Fund for employer's failure to maintain proper safeguards.

Wisc. *Effective January 1, 1981. Maximum raised to $233.00, effective January 1—December 31, 1980.

Wyo. *Court must approve PT payments after $30,000.

Alta. *Maximum reviewed annually by advisory committee.

B.C. *On application for review, Board may award benefits based on current levels.

Man. *Maximum earning ceiling increased by $1,000 if 10% of workers injured in preceding year earn in excess of maximum.

N.B. *Board must review maximum at least biennially.

Nfld. *100% of wages if injury incurred in mine or fire rescue.

N.S. *If 2 or more dependent children, minimum is amount of death benefit payable to spouse with same number of children.

Ont. *No less than award if worker had been fatally injured.

Quebec *Lower end of range is for individual with no dependents, and upper end is for individual with 9 dependents.
**Benefits adjusted annually based on increase in Consumer Price Index.

P.E.I. *Actual wages if less, but Board may set minimum at $15.

Sask. *Actual wages if less for first 2 years' disability.
**Maximum earning ceiling increased by $1,000 if 10% of workers injured in preceding year earn in excess of maximum.

Yukon *Benefits increased annually based on Consumer Price Index, and based on 90% of territory's average wage, effective January 1.

| JURISDICTION | ARM AT SHOULDER | HAND | THUMB | FIRST FINGER | SECOND FINGER | THIRD FINGER | FOURTH FINGER | LEG AT HIP | FOOT | GREAT TOE | OTHER TOES | ONE EYE | HEARING ONE EAR | HEARING BOTH EARS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| IN THIS GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY IS ALLOWED IN ADDITION TO ALLOWANCE FOR SCHEDULED INJURY | | | | | | | | | | | | | | |
| ALABAMA | $32.856 | $25.160 | $9.176 | $ 6.364 | $ 4.588 | $ 3.256 | $ 2.368 | $29.600 | $20.572 | $ 4.736 | $ 1.628 | $18.352 | $ 7.844 | $24.124 |
| ALASKA | 43.680 | 33.600 | 10.400 | 6.440 | 4.200 | 3.500 | 2.100 | 40.320 | 28.700 | 5.320 | 2.240 | 22.400 | 7.280 | 28.000 |
| AMERICAN SAMOA | PPD benefits paid at 66-2/3% of wages for specified number of weeks, no maximum.* | | | | | | | | | | | | | |
| ARIZONA | 43.725 | 36.437 | 10.931 | 6.559 | 5.101 | 3.644 | 2.915 | 36.437 | 29.150 | 5.101 | 1.822 | 21.862 | 14.575 | 43.725 |
| ARKANSAS* | 25.200 | 18.900 | 7.560 | 4.410 | 3.780 | 2.520 | 1.890 | 22.050 | 15.750 | 3.780 | 1.260 | 12.600 | 5.040 | 18.900 |
| CALIFORNIA* | 29.488* | 21.770 | 3.797 | 1.680 | 1.680 | 1.260 | 1.260 | 32.288* | 16.870 | 2.117 | 420 | 10.553** | 3.157 | 21.770 |
| COLORADO* | 17.472 | 8.736 | 4.200 | 2.184 | 1.512 | 924 | 1.092 | 17.472 | 8.736 | 2.184 | 924 | 11.676 | 2.940 | 11.676 |
| CONNECTICUT* | 88.920 | 71.820 | 27.075 | 15.390 | 12.540 | 8.835 | 7.410 | 67.830 | 56.430 | 11.970 | 3.705 | 66.975 | 14.820 | 44.460 |
| DELAWARE | 43.800 | 38.544 | 13.140 | 8.760 | 7.008 | 5.256 | 3.504 | 43.800 | 28.032 | 7.008 | 2.628 | 35.040 | 13.140 | 30.660 |
| DISTRICT OF COLUMBIA | 142.347 | 111.323 | 34.218 | 20.987 | 13.687 | 11.406 | 6.844 | 131.397 | 95.529 | 13.687 | 7.300 | 72.998 | 93.724 | 91.248 |
| FLORIDA | No schedule. Benefits paid according to degree of impairment and loss of earnings.* | | | | | | | | | | | | | |
| GEORGIA | 24.750 | 17.600 | 6.600 | 4.400 | 3.850 | 3.300 | 2.750 | 24.750 | 14.850 | 3.300 | 2.200 | 13.750 | 6.600 | 16.500 |
| GUAM | 15.680 | 11.872 | 2.856 | 1.568 | 1.008 | 952 | 392 | 13.888 | 9.688 | 1.456 | 448 | 7.840 | 2.912 | 11.200 |
| HAWAII* | 73.320 | 57.340 | 17.625 | 10.810 | 7.050 | 5.875 | 3.525 | 67.680 | 48.175 | 8.930 | 3.760 | 37.600 | 12.220 | 47.000 |
| IDAHO* | 36.300 | 32.670 | 13.310 | 8.470 | 6.655 | 3.025 | 1.815 | 24.200 | 16.940 | 5.082 | 847 | 21.175 | — | 21.175 |
| ILLINOIS* | 88.438 | 71.503 | 26.343 | 15.053 | 13.172 | 9.408 | 7.527 | 75.266 | 58.331 | 13.172 | 4.516 | 50.213 | 14.113 | 56.450 |
| IOWA* | 88.250 | 67.070 | 21.180 | 12.355 | 10.590 | 8.825 | 7.060 | 77.660 | 52.950 | 14.120 | 5.295 | 49.420 | 17.650 | 61.775 |
| MAINE | 66.434 | 54.808 | 16.608 | 10.629 | 9.301 | 6.643 | 5.647 | 66.434 | 54.808 | 8.304 | 3.322 | 33.217 | 16.608 | 66.434 |
| MARYLAND* | 74.400 | 62.000 | 24.800 | 9.920 | 8.680 | 7.440 | 6.200 | 74.400 | 62.000 | 9.920 | 2.480 | 62.000 | 31.000 | 62.000 |
| MASSACHUSETTS* | 6.750 | 5.250 | — | — | — | — | — | 6.000 | 4.500 | — | — | 6.000 | 4.500 | 12.000 |
| MICHIGAN* | 56.490 | 45.150 | 13.650 | 7.980 | 6.930 | 4.620 | 3.360 | 45.150 | 34.020 | 6.930 | 2.310 | 34.020 | 2.310 | 34.020 |
| MINNESOTA* | 65.880 | 53.680 | 15.860 | 9.760 | 8.540 | 6.100 | 4.880 | 53.680 | 40.260 | 8.540 | 3.660 | 39.040 | 20.740 | 41.480 |
| MISSISSIPPI | 19.600 | 14.700 | 5.880 | 3.430 | 5.940 | 1.960 | 2.970 | 17.150 | 12.250 | 5.940 | 980 | 9.800 | 3.920 | 14.700 |
| MONTANA* | 30.660 | 21.900 | 8.212 | 4.380 | 4.052 | 2.738 | 1.642 | 32.850 | 19.710 | 4.052 | 1.752 | 18.068 | 4.380 | 21.900 |
| NEBRASKA* | 40.500 | 31.500 | 10.800 | 6.300 | 5.400 | 3.600 | 2.700 | 39.700 | 27.300 | 5.400 | 1.800 | 22.500 | 9.000 | (+) |
| NEVADA | No schedule. Degree of disability determined in relation to whole man.* | | | | | | | | | | | | | |
| NEW HAMPSHIRE | 45.582 | 37.275 | 10.650 | 6.603 | 5.538 | 4.047 | 2.769 | 45.582 | 32.163 | 5.538 | 2.130 | 26.838 | 11.076 | 45.582 |
| NEW JERSEY* | 48.161 | 29.255 | 4.583 | 3.055 | 2.444 | 1.833 | 1.222 | 45.972 | 24.412 | 2.444 | 917 | 23.882 | 2.820 | 18.574 |
| NEW MEXICO | 44.300 | 26.688 | 12.182 | 6.202 | 4.873 | 3.766 | 3.101 | 44.300 | 25.472 | 7.752 | 3.101 | 28.795 | 8.860 | 33.225 |
| NORTH CAROLINA | 50.400 | 42.000 | 15.750 | 9.450 | 8.400 | 5.250 | 4.200 | 42.000 | 30.240 | 7.350 | 2.100 | 25.200 | 14.700 | 31.500 |
| NORTH DAKOTA* | 10.000 | 10.000 | 3.250 | 2.000 | 1.500 | 1.000 | 800 | 9.360 | 6.000 | 1.200 | 480 | 6.000 | 2.000 | 8.000 |
| OHIO* | 30.938 | 24.062 | 8.250 | 4.812 | 4.125 | 2.750 | 2.062 | 27.500 | 20.625 | 4.125 | 1.375 | 17.188 | 3.438 | 17.188 |
| OREGON* | 19.200 | 15.000 | 4.800 | 2.400 | 2.200 | 1.000 | 600 | 15.000 | 13.500 | 1.800 | 400 | 10.000 | 6.000 | 19.200 |
| PUERTO RICO* | 10.000 | 9.000 | 3.375 | 1.800 | 1.350 | 1.125 | 675 | 10.000 | 7.875 | 1.350 | 675 | (++) | 2.250 | 9.000 |
| RHODE ISLAND | 67.704 | 52.948 | 16.275 | 9.982 | 6.510 | 5.425 | 4.340 | 67.704 | 44.485 | 8.246 | 2.170 | 34.720 | 13.020 | 43.400 |
| SOUTH CAROLINA | 47.520 | 35.640 | 14.040 | 8.640 | 7.560 | 5.400 | 4.320 | 42.120 | 30.240 | 7.560 | 2.160 | 21.600 | 17.280 | 35.640 |
| SOUTH DAKOTA | 38.200 | 28.650 | 9.550 | 6.685 | 5.730 | 3.820 | 2.865 | 30.560 | 23.875 | 5.730 | 1.910 | 28.650 | 9.550 | 28.650 |
| TENNESSEE | 23.800 | 17.850 | 7.140 | 4.165 | 3.570 | 2.380 | 1.785 | 23.800 | 14.875 | 3.570 | 1.190 | 11.900 | 8.925 | 17.850 |
| UTAH* | 28.611 | 25.704 | 10.251 | 6.426 | 5.202 | 2.601 | 1.224 | 19.125 | 13.464 | 3.978 | 612 | 18.360 | 7.650 | 15.300 |
| VERMONT* | 44.720 | 36.400 | 10.400 | 6.656 | 5.200 | 4.160 | 2.496 | 44.720 | 36.400 | 5.200 | 2.080 | 26.000 | 10.816* | 44.720 |
| VIRGINIA* | 42.600 | 31.950 | 12.780 | 7.455 | 6.390 | 4.260 | 3.195 | 37.275 | 26.625 | 6.390 | 2.130 | 21.300 | 10.650 | 21.300 |
| VIRGIN ISLANDS* | 20.387 | 16.681 | 7.414 | 7.414 | 7.414 | 7.414 | 6.950 | 16.681 | 11.120 | 7.414 | 6.950 | 18.071 | 11.120 | 16.681 |
| WASHINGTON* | 36.000 | 32.400 | 12.960 | 8.100 | 6.480 | 3.240 | 1.620 | 36.000 | 25.200 | 7.560 | 2.760 | 14.400 | 4.800 | 28.800 |
| WEST VIRGINIA* | 41.933 | 34.944 | 13.978 | 6.989 | 4.892 | 3.494 | 3.494 | 41.933 | 24.461 | 6.989 | 2.796 | 23.063 | 17.472 | 45.427 |
| WISCONSIN* | 35.000 | 28.000 | 11.200 | 4.200 | 3.150 | 1.820 | 1.960 | 35.000 | 17.500 | 5.833 | 1.750** | 19.250 | 3.850 | 23.100 |
| WYOMING | 36.234 | 29.470 | 10.629 | 7.005 | 3.623 | 3.623 | 3.623 | 32.611 | 24.156 | 4.831 | 1.691 | 22.707 | 9.662 | — |
| F.E.C.A. | 225.507 | 176.358 | 54.209 | 33.248 | 21.683 | 18.070 | 10.842 | 208.161 | 148.170 | 27.466 | 11.564 | 115.645 | 37.585 | 144.556 |
| LONGSHORE ACT | 142.347 | 111.323 | 34.218 | 20.987 | 13.687 | 11.406 | 6.844 | 131.397 | 95.529 | 13.687 | 7.300 | 72.998 | 23.724 | 91.248 |
| IN THIS GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY IS ALLOWED IN ADDITION TO SCHEDULED INJURY WITH CERTAIN LIMITATIONS AS TO PERIOD | | | | | | | | | | | | | | |
| INDIANA* | 18.750 | 15.000 | 4.500 | 3.000 | 2.625 | 2.250 | 1.500 | 16.875 | 13.125 | 4.500 | 2.250** | 13.125 | 5.625 | 15.000 |
| KANSAS* | 35.700 | 25.500 | 10.200 | 6.290 | 5.100 | 3.400 | 2.550 | 34.000 | 21.250 | 5.100 | 1.700 | 20.400 | 5.100 | 18.700 |
| MISSOURI* | 20.590 | 15.750 | 5.400 | 4.050 | 3.150 | 3.150 | 1.980 | 18.630 | 13.500 | 3.600 | 1.260 | 12.600 | 3.960 | 15.120 |
| NEW YORK* | 32.760 | 25.620 | 7.875 | 4.830 | 3.150 | 2.625 | 1.575 | 30.240 | 21.525 | 3.990 | 1.680 | 16.800 | 6.300 | 15.750 |
| PENNSYLVANIA* | 107.420 | 87.770 | 26.200 | 13.100 | 10.480 | 7.860 | 7.336 | 107.420 | 65.500 | 10.480 | 4.192 | 72.050 | 15.720 | 68.120 |
| IN THIS GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY IS DEDUCTED FROM THE ALLOWANCE FOR SCHEDULED INJURY | | | | | | | | | | | | | | |
| KENTUCKY | No schedule. PP benefits paid at 66-2/3% of wages up to 425 weeks according to degree of disability.* | | | | | | | | | | | | | |
| LOUISIANA | 32.600 | 24.450 | 8.150 | 4.890 | 3.260 | 3.260 | 3.260 | 28.525 | 20.375 | 3.260 | 1.630 | 16.300 | — | — |
| OKLAHOMA* | 22.500 | 18.000 | 5.400 | 3.150 | 2.700 | 1.800 | 1.350 | 22.500 | 18.000 | 2.700 | 900 | 18.000 | 9.000 | 27.000 |
| TEXAS | 26.600 | 19.950 | 7.890 | 5.985 | 3.990 | 2.793 | 1.995 | 26.600 | 16.625 | 3.990 | 1.330 | 13.300 | — | 19.950 |

NOTE—In Canada permanent physical impairments generally are compensated by degree of disability using medical rating schedules as guidelines.
Numbers in italics are computations for loss of major member, loss of leg precluding use of artificial limb, or loss of eye by enucleation.



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Am. Samoa: *Arm—312, hand—244, thumb—75, first finger—46, second finger—30, third finger—25, fourth finger—15, leg—288, foot—205, great toe—30, other toes—16, one eye—160, one ear—52, both ears—200.

Ariz. *PP benefit is 55% of monthly compensation up to $1,325 (= $168.01 weekly).

Ark. *Maximum amount for PP is $56,700.

Calif. *Plus life pension up to $64.21 weekly.
**If unable to wear artificial eye.

Colo. *Maximum weekly benefit is $84.

Conn. *Commission may award additional benefits based on loss of earnings.

Fla. *Permanent impairment caused by amputation, loss of 80% of vision after correction, or serious facial disfigurement—$50 per 1% of disability up to 50%, and $100 per 1% of disability over 50%. Wage-loss benefits also payable in all PP cases—95% of difference between 85% of pre-injury wages and earnings after maximum medical improvement, up to 100% of SAWW weekly, payable to age 65 or until eligible for Social Security, subject to time limits (variable by schedule).

Hawaii *In cases in which the disability is determined as a percentage of total loss or impairment of physical or mental function of the whole man, the maximum compensation is the corresponding percentage of 312 times SAWW (= $73,320 effective 1.1.81).

Idaho *Maximum weekly PP benefit is 55% of SAWW (= $121 for 1981).

Ill. *Effective January 15. Figures reflect benefits for amputation of member—maximum 133-1/3% of SAWW. Maximum for other PP benefits is 100% of SAWW (from 1.1.81 until 1.1.84, based on SAWW calculated as of 12.15.80).

Ind. *Payable for 52 weeks; maximum weekly PP benefit is $75.
**Second toe—$2,250; third toe—$1,500; fourth toe—$1,125; fifth toe—$750.

Iowa *Maximum weekly PP benefit is 153-1/3% of SAWW, effective 7.1.80 (= $353.00), and 184% of SAWW, effective 7.1.81.

Kans. *Additional healing period up to 15 weeks may be allowed. Maximum weekly PP benefit is 75% of SAWW effective 7.1.80.

Ky. *Maximum weekly PP benefit is 75% of SAWW. Degree of disability is determined by American Medical Association Guide or decrease in earning capacity, whichever is greater. Benefits cease upon eligibility for Social Security.

Md. *Maximum weekly PP benefit is 33-1/3% of SAWW, where benefits are payable for 250 weeks or more; the number of weeks are increased by 1/3, and maximum is 66-2/3% of SAWW.

Mass. *Benefits fixed at amount reflected in chart. Proportional benefits for functional loss of use of arm, hand, leg, or foot.

Mich. *Includes allowance for dependents (maximum $29 weekly). Wage-loss benefits payable for life.

Minn. *Award increased by 15% if more than 1 member permanently disabled. Compensation for PP and TT paid concurrently.

Mo. *Maximum weekly PP benefit is $90 (40% of SAWW effective 8.13.81). If amputation or 100% loss of use, additional 10% compensation. Maximum healing period is 52 weeks.

Mont. *Maximum weekly PP benefit is 50% of SAWW (= $109.50, effective 7.1.80). Claimant may elect schedule or wage-loss indemnity.

Nebr. *Terms run consecutively for loss of, or loss of use of, more than 1 member but less than total disability.
**Permanent total loss of hearing is compensated as permanent total disability.

Nev. *Each 1% of impairment is compensated by 1.2% of worker's monthly wage up to maximum (= $1,061.24 as of 7.1.80), payable for 5 years or until age 65, whichever is later.

N.J. *Computations include allowance for amputation of member (30% additional compensation). Compensation is payable weekly at 70% of pre-injury weekly wages, up to a maximum of 55% of SAWW for arm or leg; 45% of SAWW for hand; 40% of SAWW for foot or one eye; 35% of SAWW for hearing—both ears. $47 for other scheduled injuries in chart. Effective 1.1.82, 20% of SAWW replaces the $47 maximum.

N.Y. *Additional weeks for TT in excess of statutory healing period, maximum $105 weekly. Compensation for wage loss in addition to schedule if impairment due to loss of 50% or more of member.

N.D. *PP benefit is $40 weekly for scheduled number of weeks.

Ohio *Maximum weekly PP benefit is 50% of SAWW (= $137.50 for 1981). Compensation payable for 200 weeks if percentage of disability is 90% or greater.

Okla. *Maximum PP benefit is $90 effective 1.1.81 and 50% of SAWW effective 1.1.82.

Oregon *Calculated at $100 per degree of injury (unscheduled injuries compensated at $85 per degree).

Pa. *Healing period is 25 weeks for leg or foot; 20 weeks for an arm or hand; 12 weeks for great toe; 10 weeks for thumb, eye, or hearing; 6 weeks for finger or toe.

P.R. *Maximum PP benefit is $45 weekly.
**Permanent visual disability is compensated according to percentage of total disability; in addition, loss of eye by enucleation is compensated at 10% of permanent total disability.

Utah *Maximum per week, including allowance for dependents, is 66-2/3% of SAWW (= $153 effective 7.1.80).

Vt. *In addition to TT except to loss of hearing in 1 ear.

Va. *Benefits for scheduled injuries are payable in addition to compensation for temporary disability. *County of Spotsylvania v. Hart*, 218 Va. 565, 238 S.E.2nd 813 (1977). After expiration of scheduled award, claimant may file for further benefits within 1 year if still incapacitated.

V.I. *PP benefit is 66-2/3% of SAWW weekly (= $92.67 effective 1.1.81).

Wash. *Benefits fixed at amount reflected in chart. 25% less for disability not involving amputation.

W.Va. *PP benefit is 70% of wages, payable in 4-week periods per 1% of disability up to 85% per week is maximum; 66-2/3% of SAWW (= $174.72 effective 7.1.80).

Wis. *Maximum weekly PP benefit is $70.
**Second toe—$1,750; other toe—$1,400.

Wyo. *PP benefit is 66-2/3% of SAWW.

| JURISDICTION | PERCENT OF WAGES | | | MAXIMUM WEEKLY PAYMENT | | MINIMUM PER WEEK SPOUSE ONLY | TIME LIMIT | AMOUNT LIMIT[1] | | MAXIMUM BURIAL ALLOWANCE |
|---|---|---|---|---|---|---|---|---|---|---|
| | SPOUSE PLUS CHILDREN | SPOUSE ONLY | ONE CHILD ONLY | SPOUSE PLUS CHILDREN | SPOUSE ONLY | | | SPOUSE PLUS CHILDREN | SPOUSE ONLY | |
| ALABAMA | 66-2/3 | 50 | 50 | $118.00* | $ 48.00* | $96.00* | [2,6] | $74,000 | $55,500 | $1,000 |
| ALASKA | 66-2/3 | 66-2/3 | 66-2/3 | 859.00* | 859.00* | 45.00 | [2,4,**] | | | 1,000 |
| AMERICAN SAMOA | 66-2/3 | 35 | 35 | 70.00 | 36.75 | 5.25[8] | [2,4] | | | 1,000 |
| ARIZONA | 66-2/3 | 35 | 25 | 203.64 | 107.00 | | [2,4] | | | 1,000 |
| ARKANSAS | 66-2/3 | 35 | 50 | 126.00* | 126.00* | 15.00 | [2,4] | [--] | [--] | 750 |
| CALIFORNIA | [+] | [+] | [+] | 175.00 | 175.00 | [+] | [2] | 75,000 | 75,000 | 1,500 |
| COLORADO | 66-2/3 | 66-2/3 | 66-2/3 | 244.65* | 244.65* | 61.16* | [2,4] | | | 1,000 |
| CONNECTICUT | 66-2/3 | 66-2/3 | 66-2/3 | 285.00* | 285.00* | 20.00 | [2,3,**] | | | 1,500 |
| DELAWARE | 80 | 66-2/3 | 66-2/3 | 210.24* | 175.20* | 58.40* | [2,4] | | | 700** |
| DISTRICT OF COLUMBIA | 66-2/3 | 50 | 50 | [+] | [+] | 152.08* | [2,4] | | | 1,000 |
| FLORIDA | 66-2/3 | 50 | 33-1/3 | 228.00* | 228.00* | 20.00[8] | [2,3] | 50,000 | 50,000 | 1,000 |
| GEORGIA | 66-2/3 | 66-2/3 | 66-2/3 | 110.00 | 110.00 | 25.00[8] | 400 weeks[2,3] | 44,000 | 32,500 | 750 |
| GUAM | 66-2/3 | 35 | 35 | 50.00 | 29.40 | | [2,4] | | | 600 |
| HAWAII | 66-2/3 | 50 | 40 | 235.00* | 176.25* | 58.75* | [2,4] | [--] | [--] | 1,500*** |
| IDAHO | | | | 132.00* | 99.00* | 99.00* | 500 weeks[2] | 66,000 | 49,500 | 1,500[7] |
| ILLINOIS | 66-2/3 | 66-2/3 | 66-2/3 | 376.33* | 376.33* | 141.13* | 20 years[2,4,**] | 250,000 | 250,000 | 1,750 |
| INDIANA | 66-2/3 | 66-2/3 | 66-2/3 | 140.00* | 140.00* | 50.00[8] | 500 weeks[2,4] | 70,000* | 70,000* | 1,500 |
| IOWA | 80% of spendable earnings | 80% of spendable earnings | 80% of spendable earnings | 384.00* | 384.00* | [--] | [2,4] | | | 1,000 |
| KANSAS | 66-2/3 | 66-2/3 | 66-2/3 | 170.00* | 170.00* | 25.00 | [2,5] | 100,000 | 100,000 | 2,000 |
| KENTUCKY | 75 | 50 | 50 | 174.95* | 116.63* | 46.65* | [2,4] | | | 1,500[7] |
| LOUISIANA | 65 | 32-1/2 | 32-1/2 | 163.00* | 163.00* | 49.00* | [2,4] | | | 3,000 |
| MAINE[9] | 66-2/3 | 66-2/3 | 66-2/3 | 332.17* | 332.17* | 25.00 | [2,3] | | | 1,000 |
| MARYLAND | 66-2/3 | 66-2/3 | 66-2/3 | 248.00* | 248.00* | 25.00[8] | [2,4] | | | 1,500** |
| MASSACHUSETTS | | | | [+] | 110.00* | 110.00* | [2,4,**] | [--] | [--] | 2,000 |
| MICHIGAN | 66-2/3* | 66-2/3* | 66-2/3* | 204.00* | 186.00* | 147.00* | 500 weeks[2,5,**] | 102,000 | 93,000 | 1,500 |
| MINNESOTA | 66-2/3 | 50 | 55 | 244.00* | 244.00* | | [2,4,**] | | | 1,000 |
| MISSISSIPPI[9] | 66-2/3 | 35 | 25 | 98.00 | 98.00 | 25.00 | 450 weeks[2] | 44,100 | 44,100 | 1,000 |
| MISSOURI | 66-2/3 | 66-2/3 | 66-2/3 | 150.00* | 150.00* | | [2,4,**] | 195,000 | 195,000 | 2,000 |
| MONTANA | 66-2/3 | 66-2/3 | 66-2/3 | 219.00* | 219.00* | 109.50* | [2,4] | | | 1,100 |
| NEBRASKA | 75 | 66-2/3 | 66-2/3 | 180.00 | 180.00 | 49.00[8] | [2,4] | | | 1,000 |
| NEVADA | 66-2/3 | 66-2/3 | 66-2/3 | 245.09* | 245.09* | | [2,4] | | | 2,500[7] |
| NEW HAMPSHIRE | 66-2/3* | 66-2/3* | 66-2/3* | 213.00** | 213.00** | 30.00* | [2,***] | | | 1,200 |
| NEW JERSEY | 70 | 50 | 50 | 199.00* | 199.00* | 53.00* | [2,3,**] | | | 2,000 |
| NEW MEXICO | 66-2/3 | 66-2/3 | 66-2/3 | 221.50* | 221.50* | 36.00 | 600 weeks[2,3] | 132,900 | 132,900 | 1,500 |
| NEW YORK | 66-2/3 | 66-2/3 | 66-2/3 | 215.00 | 215.00 | 20.00 | [2,4,*] | | | 1,250 |

[1]Amount limits have been computed where not stipulated by law and are shown in italics. Disability payments deducted in all laws, except those of Arizona, Arkansas, California, Delaware, District of Columbia, Florida, Michigan, Mississippi, Missouri, Nevada, New York, North Dakota, Oregon, Washington, West Virginia, Wisconsin, Wyoming, F.E.C.A. and Longshore Act.

[2]To child until age 18 (16 in Manitoba, Newfoundland, Northwest Territories, Ontario, Saskatchewan, and Yukon; 19 in Alaska and Wyoming; 21 in Michigan and—if in school—New Brunswick). If invalid, for duration of invalidity (for 15 years in Wisconsin; for period decedent would have supported child in Alberta, Newfoundland, Prince Edward Island, and Yukon). If student, to age 21 in Colorado, British Columbia, New Brunswick, Nova Scotia, Newfoundland, Prince Edward Island, Saskatchewan, and C.M.S.C.A.; 22 in Connecticut, Florida, Kentucky, Missouri, Nevada, South Dakota, Tennessee, and Virgin Islands; 23 in D.C., Kansas, Louisiana, Maine, Maryland, Mississippi, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia, Washington, F.E.C.A., and Longshore Act; 25 in America Samoa, Arkansas, Delaware, Hawaii, Illinois, Iowa, Minnesota, Montana, Nebraska, New Hampshire, Ohio, Puerto Rico, Texas, West Virginia, and Alberta; no age limit in Alaska (4 years only), Massachusetts, Vermont, Manitoba, Northwest Territories, Ontario, and Quebec.

[3]To spouse for life; compensation ceases on remarriage.

[4]To spouse for life, 2 years' lump sum upon remarriage (but only if no children in Colorado, Illinois, Indiana, and Iowa) or balance of compensation if less (Indiana, New Mexico, South Carolina, and Saskatchewan).

[5]To spouse for life, 1 year's lump sum upon remarriage.

[6]To spouse for life; cash lump sum on remarriage: Alabama—500 weeks or balance if less; Kansas—100 weeks or balance if less; Michigan—$500 or balance if less; Oregon—$5,000; Washington—$7,500 or 50% of remaining annuity value if less; Alberta—$6,120; Manitoba—$3,600; Nova Scotia—$1,982; Prince Edward Island—$1,200; Yukon—$4,481.

[7]Additional allowance for transportation of body, no maximum except: Virginia—$300; Alberta—$700; British Columbia—$375.69 and $375.69 for incidental death expenses; Nova Scotia—$300; Prince Edward Island—$100; Yukon—$181; C.M.S.C.A.—$125.

[8]Actual wage if less.

[9]Spouse receives cash lump sum in addition to other benefits: Maine—$1,000; Mississippi—$250; North Dakota—$300 plus $100 per child; Oklahoma—$10,000 plus $2,500 per dependent (maximum $15,000); Washington—$800; Alberta—$600; British Columbia—$939.24; Manitoba—$1,050; New Brunswick—$500; Newfoundland—$750; Northwest Territories—$672; Nova Scotia—$1,000; Ontario—$1,000; Prince Edward Island—$500; Quebec—$500; Saskatchewan—$500; Yukon—$895; C.M.S.C.A.—$750.

[10]If no dependents.

Alab. *Maximum is 66-2/3% of SAWW for spouse and children; 50% of SAWW for spouse only. Minimum is 25% of SAWW; actual wage if less.

Alaska *Maximum is 200% of SAWW, effective 1.1.81.
**Spousal benefit reduced by 1/3 as of 5 years after worker's death; by 1/2 as of 8 years, and ceases after 10 years; reductions do not apply if spouse is over 52 or permanently and totally disabled. Limited Social Security offset.

Ark. *Maximum death benefit is $126 effective 3.1.80.
**Benefits in excess of $50,000 payable from Death and Permanent Disability Bank Fund.

Calif. *Statutory benefit is 66-2/3% of wages, but Appeals Board has authority to award benefits up to the maximum regardless of wage.

Colo. *Maximum is 80% of SAWW; minimum is 25% of maximum.
**Social Security offset.

Conn. *Maximum is 100% of SAWW. Employer-funded cost of living increase payable each October.

Del. *Maximum is 80% of SAWW for spouse and children; 66-2/3% of SAWW for spouse only. Minimum for spouse only is 1/3% of maximum for spouse only.
**Additional burial allowance payable on Board approval.

D.C. *No maximum for death benefits. *Director of OWCP v. Rasmussen*, 440 U.S. 29 (1979). Minimum is 66-2/3% of NAWW, actual wage if less.

Fla. *Maximum is 100% of SAWW.

Hawaii *Maximum is 100% of SAWW for spouse and children; 75% of SAWW for spouse only. Minimum is 25% of SAWW.
**Maximum amount for persons other than spouse and children is the maximum benefit times 312.
***Includes $500 for cemetery.

Idaho *Death benefit is fixed at 45% of SAWW for spouse plus 5% of SAWW per dependent child, up to 3; 30% of SAWW for one child if no dependent spouse.

Ill. *Maximum is 133-1/3% of SAWW, minimum is 50% of SAWW.
**Child under 18 is entitled to at least 6 years' benefits.

Ind. *Effective 7.1.80.

Iowa *Maximum is 166-2/3% of SAWW, increased to 200% of SAWW, effective 7.1.81.
**Minimum weekly wage is 35% of SAWW (= $80.64); benefits determined by worker's tax status.

Kans. *Maximum is 75% of SAWW, effective 7.1.80.

Ky. *Maximum is 75% of SAWW for spouse and children; 50% of SAWW for spouse only. Minimum is 20% of SAWW.

La. *Maximum is 66-2/3% of SAWW. Minimum is 20% of SAWW, actual wage if less.

Maine *Maximum is 166-2/3% of SAWW, increased to 200% of SAWW, effective 7.1.81.

Md. *Maximum is 100% of SAWW.
**Additional burial allowance payable on Commission approval.

Mass. *Death benefit is fixed at $110 weekly for spouse, plus $6 per child.
**After 400 weeks or $32,000, spouse must prove actual dependence; time and amount limits do not apply to children's benefits.

Mich. *Maximum benefit includes $5 for second dependent and $6 each for third and fourth dependents. Changes effective 1.1.82. Benefit is 80% of after-tax AWW, maximum 90% of SAWW, minimum 50% of SAWW.
**500-week limit does not apply to children.

Minn. *Maximum is 100% of SAWW.
**Social Security survivors' benefits offset.

Mo. *Maximum is $150 effective 8.13.80 and 66-2/3% of SAWW effective 8.13.81.
**4 years' benefits payable to child on active duty in armed forces at age 18 who enrolls in school prior to age 23.

Mont. *Maximum is 100% of SAWW; minimum is 50% of SAWW, actual wage if less.

Nev. *Maximum is 100% of SAWW.

N.H. *If wage is less than $30, benefit is actual wage; if wage $30-$35, benefit is $30; if wage $35-$40, benefit is $32; benefit increases in $3 increments per $5 increase in wage, up to $135; if wage $135-138, benefit is $92; if wage is over $138, benefit is 66-2/3% of wage up to maximum.
**Maximum is 100% of SAWW.
***After 400 weeks, spousal benefits cease unless spouse is permanently and totally disabled. Spousal benefits are payable for 400 weeks and thereafter while a child is eligible for benefits (no time limit if spouse is totally disabled). On remarriage, the unpaid balance otherwise payable for dependent children is payable to parent or guardian for the children's benefit.

N.J. *Maximum is 75% of SAWW; minimum is 20% of SAWW.
**After 450 weeks, spouse's earnings are deducted.

N.M. *Maximum is 100% of SAWW.

N.Y. *Social Security offset.

(continued)

| JURISDICTION | PERCENT OF WAGES | | | MAXIMUM WEEKLY PAYMENT | | MINIMUM PER WEEK SPOUSE ONLY | TIME LIMIT | AMOUNT LIMIT† | | MAXIMUM BURIAL ALLOWANCE |
|---|---|---|---|---|---|---|---|---|---|---|
| | SPOUSE PLUS CHILDREN | SPOUSE ONLY | ONE CHILD ONLY | SPOUSE PLUS CHILDREN | SPOUSE ONLY | | | SPOUSE PLUS CHILDREN | SPOUSE ONLY | |
| NORTH CAROLINA | 66-2/3 | 66-2/3 | 66-2/3 | $210.00* | $210.00* | $20.00 | (2,3,**) | | | $ 500 |
| NORTH DAKOTA[9] | 66-2/3 | 66-2/3 | 66-2/3 | (+) | 90.00 | 10.00 | (2,4) | | | 1,000 |
| OHIO[9] | 66-2/3 | 66-2/3 | 66-2/3 | 275.00* | 275.00* | 137.50* | (2,4) | | | 1,200 |
| OKLAHOMA[9] | 75 | 50 | 35 | 155.00* | 155.00* | 30.00[8] | (2,4) | | | 1,000[11] |
| OREGON | | | | 261.32* | 130.66* | 130.66* | (2,6,**) | | | 1,000 |
| PENNSYLVANIA | 66-2/3 | 51 | 32 | 262.00* | 262.00* | 131.00* | (2,4) | | | 1,500 |
| PUERTO RICO | 85 | 50 | 60 | 28.85* | 23.08* | 11.54* | (2,4,**) | | | 300[11] |
| RHODE ISLAND | 80 | 66-2/3 | 66-2/3 | 260.40* | 217.00* | 30.00 | (2,3) | | | 1,800 |
| SOUTH CAROLINA | 66-2/3 | 66-2/3 | 66-2/3 | 216.00* | 216.00* | 25.00 | 500 weeks[2,4] | 108,000 | 108,000 | 400 |
| SOUTH DAKOTA | 66-2/3 | 66-2/3 | 66-2/3 | (+) | 191.00* | 96.00* | (2,4) | | | 2,000[7] |
| TENNESSEE | 66-2/3 | 50 | 50 | 119.00 | 119.00 | 15.00 | (2,3) | 47,600 | 47,600 | 1,250* |
| TEXAS | 66-2/3 | 66-2/3 | 66-2/3 | 133.00 | 133.00 | 25.00 | (2,4) | | | 1,250 |
| UTAH | 66-2/3* | 66-2/3 | 66-2/3 | 196.00* | 196.00* | 45.00[8] | (2,**) | | | 1,000 |
| VERMONT | 76-2/3 | 66-2/3 | 71-2/3 | 208.00* | 208.00* | 104.00* | (2,**) | | | 1,000 |
| VIRGIN ISLANDS | | | | (+) | (+) | (+) | (2) | 76,500* | 76,500* | 800[11] |
| VIRGINIA | 66-2/3 | 66-2/3 | 66-2/3 | 213.00* | 213.00* | 53.25* | 500 weeks[2,**] | 106,500 | 106,500 | 1,000[7] |
| WASHINGTON[9] | 70 | 60 | 35 | 204.66* | 204.66* | 42.69 | (2,6,**) | | | 1,000 |
| WEST VIRGINIA | 66-2/3 | 66-2/3 | 66-2/3 | 262.08* | 262.08* | 87.36* | (2,4) | | | 1,500 |
| WISCONSIN | 66-2/3 | 66-2/3 | 66-2/3 | 249.00* | 249.00* | 30.00 | (+,**) | 74,700*** | 74,700*** | 1,000 |
| WYOMING | | | | (+) | 241.56* | 241.56* | (+) | (+) | (+) | 1,100** |
| F.E.C.A. | 75* | 50 | 40 | 722.78 | 722.78 | 86.07 | (2,4,**) | | | 800[2,***] |
| LONGSHORE ACT | 66-2/3 | 50 | 50 | (+) | (+) | 152.08* | (2,4) | | | 1,000 |
| ALBERTA[9] | 75 | 75 | | 316.44* | 316.44* | 141.53* | (2,5) | | | 1,200[7] |
| BRITISH COLUMBIA[9] | | | 30 | (+) | (+) | (+) | (2,4) | | | 1,127[7] |
| MANITOBA[9] | 75 | 75 | | 302.89* | 302.89* | 92.31* | (2,5) | | | 300[7,**] |
| NEW BRUNSWICK[9] | | | | (+) | 83.08* | 83.08* | (2,5) | | | 600[7] |
| NEWFOUNDLAND[9] | | | | (+) | 85.38* | 85.38* | (2) | | | 750[7] |
| NORTHWEST TERRITORIES[9] | | | | (+) | 106.32* | 106.32* | (2,5) | | | 672[7] |
| NOVA SCOTIA[9] | (+) | (+) | | (+) | 82.85* | 82.85* | (2,5) | | | 750[7] |
| ONTARIO[9] | | | | (+) | 94.62* | 94.62* | (2,4) | | | 1,000[7] |
| PRINCE EDWARD ISLAND[9] | (+) | (+) | | (+) | 69.23* | 69.23* | (2,6) | | | 500[7] |
| QUEBEC[9] | 72 | 49-1/2 (weighted net income) | 49-1/2 | 252.42* | 154.08* | 154.08* | (2,3,**) | | | 600[7] |
| SASKATCHEWAN[9] | 75 | 75 | | 346.15 | 346.15 | 116.54 | 5 years[2,4] | | | 1,000[7] |
| YUKON TERRITORY[9] | | | | (+) | 81.93* | 81.93* | (2,6) | | | 1,024[7] |
| CANADIAN MERCHANT SEAMEN'S ACT[9] | | | | 216.35* | 75.00* | 75.00[8] | (2,4) | | | 650[7] |

N.C. *Maximum is 100% of SAWW.
**After 400 weeks, spouse must be dependent or disabled.

N.D. *Maximum $90 plus $7 per dependent child under 18.

Ohio *Maximum is 100% of SAWW, minimum is 50% of SAWW.

Okla. *Maximum is 66-2/3% of SAWW, effective 1.1.81.

Oregon *Monthly spousal benefit is fixed at 50% of SAWW times 4.35 (= $568.37 for 1980-81); an additional $100 each is payable monthly for the first and second children, plus $50 monthly per additional child, up to monthly maximum. Maximum is 100% of SAWW times 4.35 (= $1,136.74 for 1980-81).
**Child's benefit payable to age 19 if in high school.

Pa. *Maximum is 100% of SAWW, minimum is 50% of SAWW.

P.R. *Maximum for spouse and children is $125 monthly; for spouse only, $100 monthly. Minimum is $50 monthly. Maximum advance payment is $500 to widow plus $50 per child, up to $1,100 total.
**540-week limit inapplicable to spouse and children.

P.I. *Maximum is 100% of SAWW plus $6 per dependent child, up to 80% of pre-injury wages (= $260.40).

S.C. *Maximum is 100% of SAWW.

S.D. *Maximum is 100% of SAWW, minimum is 50% of SAWW, actual wage if less. Additional $50 monthly is payable for each dependent child.

Tenn. *Employer must pay $10,000 lump sum into estate if worker had no dependents.

Utah *Additional allowance for dependents is $5 for spouse plus $5 for dependent child (up to 4). Maximum (including dependents' allowance) is 85% of SAWW.
**After 312 weeks payments are continued only after annual review, minimum $85. Balance of 312 weeks up to 52 weeks is payable to spouse upon remarriage. Social Security death benefits partially offset.

Vt. *Maximum is 100% of SAWW, minimum is 50% of SAWW, actual wage if less.
**To spouse until age 62 or when entitled to Social Security; balance of 330 weeks, if any, is payable on remarriage. Maximum 330 weeks payable to or for any child.

V.I. *Death benefit is $12,500 to $16,500, payable in installments or lump sum. 60% is payable to children, if any. Amount limit includes amounts paid for disability.

Va. *Maximum is 100% of SAWW, minimum is 25% of SAWW, actual wage if less.
**Social Security offset.

Wash. *Maximum monthly benefit is 75% of state average monthly wage.
**Social Security offset.

W. Va. *Maximum is 100% of SAWW, minimum is 33-1/3% of SAWW.

Wis. *Maximum is 100% of 1980 SAWW.
**If death follows disability, total time limit for disability plus death is 1,000 weeks.
***Amount limit is 300 times 1980 SAWW. When primary benefit expires, a supplementary monthly benefit continues for children at 10% of the spouse's monthly benefit, payable from the Children's Fund, to age 18 or, for 15 years if invalid.

Wyo. *Monthly benefit is fixed at 66-2/3% of state average monthly wage plus lump sum computed at $60 monthly per child until age 19 (21 if invalid). After $25,000, court may continue payments at 33-1/3% of state average monthly wage. $500 of balance of $25,000 payable to spouse on remarriage; remainder payable to children. PT benefits in excess of $4,000 are deducted.
**Employer may make other arrangements.

F.E.C.A. *3 or more children.
**Spouse who remarries after age 60 continues to receive monthly benefits.
***Additional $200 lump sum payable for cost of terminating status as U.S. employee.

Longshore *No maximum for death benefits. *Director of CWCP v. Rasmussen*, 440 U.S. 29 (1979). Minimum is 66-2/3 of NAWW, actual wages if less.

Alta. *Maximum is $1,375 monthly, minimum is $615 monthly. Board may increase monthly benefit while spouse is ill.

B.C. *Maximum monthly benefit for spouse with 2 children is $1,387.50, plus $122.07 for each additional child. Childless widow under 40 receives capital sum of $18,784.23. Benefits for childless widow age 40 or older vary by age. Canada pension is offset.

Man. *Maximum is $1,312.50 monthly, minimum is $400 monthly. Allowance for 1 dependent is additional $90 monthly if under 16 or $100 monthly if over 16 and in school; allowance for 2 or more dependents is amount payable for 2 oldest children; total monthly benefit may not exceed maximum.
**Plus $50 for plot or urn.

N.B. *Fixed monthly benefit is $360 plus $75 monthly per child.

Nfld. *Fixed monthly benefit is $370 plus $85 monthly per child. Board may pay additional $10 monthly per child on account of illness.

N.W.T. *Fixed monthly benefit is $462 plus $105 monthly per child.

N.S. *Fixed monthly benefit is $359 plus $76 monthly per child; 1981 cost of living increase not available at publication.

Ont. *Fixed monthly benefit is $410 plus $112 monthly per child.

P.E.I. *Fixed monthly benefit is $300 plus $60 monthly per child. If decedent was corporate officer and shareholder, benefit is 75% of maximum earnings of $15,000.

Quebec *Maximum is 80% of maximum PT disability benefit.
**Benefits stop after 5 years if spouse was under 35. Five years' benefits are payable to any spouse regardless of marital status.

Yukon *Fixed monthly benefit is $356 plus $116 monthly per child for 1980; 1981 figures not available at publication.

C.M.S.C.A. *Fixed monthly benefit is $325 for spouse only, actual weekly wage if less. Monthly benefit for spouse and children is $325 plus $70 per child, up to $937.50 monthly.

| JURISDICTION | WAITING PERIOD [1] | RETRO-ACTIVE PERIOD | MEDICAL BENEFITS | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | LIMITATIONS BY STATUTE[2] | | EXTENSIONS PERMITTED | | ARTIFICIAL APPLIANCES FURNISHED | SPECIAL PROVISIONS |
| | | | TIME | AMOUNT | TIME | AMOUNT | | |
| ALABAMA | 3 days* | 3 weeks | | | | | Yes | Employer must replace appliances damaged in work-related accident and provide physical and vocational rehabilitation. |
| ALASKA | 3 days | 4 weeks | as nature of injury may require | | | | Yes | Injury includes damages to eyeglasses, dentures, hearing aids, or any prosthetic devices. |
| AMERICAN SAMOA | 3 days | 2 weeks | | | | | Yes | |
| ARIZONA | 7 days | 2 weeks | | | | | Yes | Commission may authorize medical care in excess of $20,000 from Major Medical Insurance Fund. Prayer or spiritual treatment by agreement. |
| ARKANSAS | 7 days | 2 weeks | | | | | Yes | Spiritual treatment by agreement. |
| CALIFORNIA | 3 days* | 3 weeks* | | | | | Yes | Includes x-ray reports, medical reports, and testimony and laboratory fees reasonably required to prove a claim.** |
| COLORADO | 3 days | 2 weeks | | | | | Yes | Commission may authorize medical care in excess of $20,000 from Major Medical Insurance Fund. Dental service—maximum $500. |
| CONNECTICUT | 3 days | 1 week | | | | | Yes* | Worker compensated for time lost due to medical attention. Employer must repair or replace appliances damaged in employment; must also repair or replace eyeglasses, contact lenses, hearing aids, or dentures where injury to face or head. Prayer or spiritual treatment with Commissioner's approval. |
| DELAWARE | 3 days* | 7 days* | | | | | Yes | Employer must replace prosthesis as needed. |
| DISTRICT OF COLUMBIA | 3 days | 2 weeks | | | | | Yes | |
| FLORIDA | 7 days | 2 weeks | | | | | Yes | Injury includes damage to dentures, eyeglasses, and prosthetic devices in conjunction with accident. |
| GEORGIA | 7 days | 4 weeks | | $5,000 | As needed | As needed | Yes* | |
| GUAM | 7 days* | 49 days* | | | | | | |
| HAWAII | 2 days | 5 days | | | | | Yes | Maximum monthly attendant's allowance—4 times SAWW. |
| IDAHO | 5 days* | 2 weeks* | | | | | Yes | Christian Science treatment permitted. |
| ILLINOIS | 3 days* | 2 weeks | | | | | Yes | Spiritual treatment by agreement. Employer must repair replace appliances damaged in compensable accident. |
| INDIANA | 7 days | 3 weeks | | | | | Yes | Employer pays reasonable expenses, including travel, food, and lodging, for treatment outside county. Spiritual treatment by agreement. |
| IOWA | 3 days* | 2 weeks | | | | | Yes | Employer must repair or replace appliances. |
| KANSAS | 7 days | 3 weeks | | | | | Yes | Prayer or spiritual treatment by agreement. |
| KENTUCKY | 7 days | 2 weeks | | | | | Yes | |
| LOUISIANA | 7 days | 6 weeks | | | | | Yes | Employer must repair replace appliances. |
| MAINE | 3 days* | 2 weeks | | | | | Yes | |
| MARYLAND | 3 days | 2 weeks | | | | | Yes | Employer must repair replace appliances. |
| MASSACHUSETTS | 5 days | 6 days | | | | | Yes | |
| MICHIGAN | 7 days | 2 weeks | | | | | Yes | |
| MINNESOTA | 3 days | 10 days | | | | | Yes | Christian Science treatment by agreement. Chiropractic and podiatric treatment authorized. |
| MISSISSIPPI | 5 days | 2 weeks | | | | | Yes | |
| MISSOURI | 3 days | 2 weeks | | | | | Yes | Prayer or spiritual treatment by agreement. |
| MONTANA | 5 days* | 5 days* | | | | | Yes | Employer must repair replace appliances damaged as a result of injury. |
| NEBRASKA | 7 days | 6 weeks | | | | | Yes | Employer must replace appliances damaged due to compensable injury. Employer must provide plastic surgery for disfigurement. |
| NEVADA | 5 days | 5 days | | | | | Yes | |
| NEW HAMPSHIRE | 3 days | 1 week | | | | | Yes | |
| NEW JERSEY | 7 days | 8 days | | | | | Yes | Hospital care must be semi-private, if available. |
| NEW MEXICO | 7 days | 4 weeks | | | | | Yes | |
| NEW YORK | 7 days | 2 weeks | | | | | Yes | |
| NORTH CAROLINA | 7 days | 4 weeks | | | | | Yes | Employer must repair replace appliances damaged in compensable accident. Medical care includes rehabilitation services. |
| NORTH DAKOTA | 5 days | 5 days | | | | | Yes | |
| OHIO | 7 days | 2 weeks | | | | | Yes | Includes hospitalization. Employer must repair replace appliances. |
| OKLAHOMA | 3 days | 3 days | | | | | Yes | Employer must repair replace appliances. Special provisions for hernias. |
| OREGON | 3 days | 2 weeks | | | | | Yes | Spiritual treatment by agreement. |

[1] If disability continues for longer than stated periods, compensation is paid for the waiting period. Waiting periods do not apply to medical care, which is furnished from the first day of injury.

[2] No entry indicates no statutory limitation.

Alab. *Temporary disability only.

Calif. *Waiting period also terminated by hospitalization.
**Psychologists included within definition of physician and treatment permitted.

Conn. *By court decision. *Olmstead v. Lamphier*, 93 Conn. 20, 104 A. 488 (1918).

Del. *No waiting period if incapacity results in hospitalization or is caused by amputation of member.

Ga. *Included in total amount allowed for medical care.

Guam *Compensation payable from first day if fact of disability is certified by physician.

Idaho *Waiting period also terminated by hospitalization.

Ill. *Temporary total disability only.

Iowa *No waiting period for permanent partial disability.

Maine *Firemen are exempt from waiting period and receive compensation from date of disability.

Mont. *Waiting period refers to number of days on which worker has a loss of wages.

(continued)

| JURISDICTION | WAITING PERIOD [1] | RETRO-ACTIVE PERIOD | MEDICAL BENEFITS | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | LIMITATIONS BY STATUTE[2] | | EXTENSIONS PERMITTED | | ARTIFICIAL APPLIANCES FURNISHED | SPECIAL PROVISIONS |
| | | | TIME | AMOUNT | TIME | AMOUNT | | |
| PENNSYLVANIA | 7 days | 2 weeks | | | | | Yes | |
| PUERTO RICO | 3 days | 10 days | | | | | Yes | |
| RHODE ISLAND | 3 days | 2 weeks | | | | | Yes | |
| SOUTH CAROLINA | 7 days | 2 weeks | | | | | Yes | |
| SOUTH DAKOTA | 7 days | 8 days | | | | | Yes | Employer must repair replace appliances damaged in compensable accident. |
| TENNESSEE | 7 days | 2 weeks | | | | | Yes | Provides for nursing services. |
| TEXAS | 7 days | 4 weeks | | | | | Yes | Repair or replacement of appliances when determined by physician. |
| UTAH | 3 days | 2 weeks | | | | | Yes | $1,000 limit for each artificial appliance, except unusual cases. |
| VERMONT | 3 days* | 4 days | | | | | Yes | Injury includes damage to and cost of replacement of eyeglasses, hearing aids, and prosthetic devices. |
| VIRGIN ISLANDS | 1 day | 1 day | | $16,000 | | | Yes | $30,000 amount limit if treatment outside Virgin Islands. |
| VIRGINIA | 7 days | 3 weeks | | | | | Yes | Employer must repair replace appliances damaged in compensable accident. |
| WASHINGTON | 3 days | 2 weeks | | | | | Yes | Employees pay half of medical aid premiums. Department will replace repair appliances damaged in compensable accident. |
| WEST VIRGINIA | 3 days | 1 week | | | | | Yes | Employer must repair replace appliances regardless of personal injury. |
| WISCONSIN | 3 days | 1 week | | | | | Yes | Repair or replacement of appliances is limited to normal wear and tear. |
| WYOMING | 3 days | 8 days | | | | | Yes | Maximum amount for prosthesis or hearing aid—$1,500 plus $350 for travel for fitting; amount in excess may be granted upon application. |
| F.E.C.A. | 3 days | 3 weeks | | | | | Yes | Additional $500 monthly for medical attendant. |
| LONGSHORE ACT | 3 days | 2 weeks | | | | | Yes | |
| ALBERTA | 1 day | 1 day | | | | | Yes | Appliances repaired or replaced by Board. Board may repair or replace garment damaged in compensable accident. Clothing allowance for wear due to prosthetic—$180. Board may pay allowance for home nursing care. |
| BRITISH COLUMBIA | 1 day | | | | | | Yes | Appliances repaired or replaced at Board's discretion, regardless of personal injury (includes eyeglasses, dentures, and hearing aids unless worker is at fault). Board may provide eyeglasses for serious visual impairment caused by work injury. Personal care allowance—maximum $807.91 monthly. Annual clothing allowance for wear due to prosthesis—$127.20 for upper limb; $254.43 for lower limb; $381.63 for both. |
| MANITOBA | 1 day | 1 day | | | | | Yes | Appliances repaired or replaced at Board's discretion, regardless of personal injury. Aid includes clothing allowance for wear due to prosthetic device or if damaged in accident. |
| NEW BRUNSWICK | 1 day | 1 day | | | | | Yes | Medical aid includes repair or replacement of appliances and a clothing allowance for wear due to prosthesis. |
| NEWFOUNDLAND | 1 day | 1 day | | | | | Yes | Board may repair or replace appliances, and may pay daily allowance for treatment away from home. Clothing allowance for wear due to prosthetic device—$250. |
| NORTHWEST TERRITORIES | 1 day | 1 day | | | | | Yes | Clothing allowance for wear due to prosthetic device—$100. Board may repair replace appliances damaged in a compensable accident. |
| NOVA SCOTIA | 3 days* | 3 days | | | | | Yes | Attendant's allowance—$200 monthly. Clothing allowance for wear due to prosthetic device—$200 per year. Board may repair or replace appliances, and renew eyeglasses (replaced if damaged in any accident). |
| ONTARIO | 1 day | (**) | | | | | Yes | Maximum attendant's allowance—$595 monthly. Clothing allowance for wear due to prosthetic device.** |
| PRINCE EDWARD ISLAND | 1 day | 1 day | | | | | Yes | Appliances repaired or replaced at Board's discretion. |
| QUEBEC | 1 day | 1 day | | | | | Yes | Commission may repair replace prosthesis damaged in course of employment. Additional clothing allowance for wear due to prosthetic device—$240 for lower limb; $120 for upper limb. |
| SASKATCHEWAN | 1 day | 1 day | | | | | Yes | Clothing allowance for wear due to prosthetic device—$105 for arm; $203 for leg (estimated Dec. 1979). Employer must repair replace appliances damaged in compensable accident. |
| YUKON TERRITORY | 1 day | 1 day | | | | | Yes | |
| CANADIAN MERCHANT SEAMEN'S ACT | 3 days | 3 days | | | | | Yes | Employer must keep appliances in repair or replace, at Board's discretion. |

Vt. *Total disability only.

N.S. *No waiting period for permanent partial disability.

Ont. *Compensation not paid for the day on which the accident occurs.
**Compensation payable during disability caused by damage to prosthetic device.

| JURISDICTION | SOURCE OF FUND | MAINTENANCE ALLOWANCE | SPECIAL PROVISIONS |
|---|---|---|---|
| ALABAMA | No fund established. | Board, lodging, and travel, if away from home. | Physical and vocational rehabilitation to restore employee to gainful employment furnished at employer's expense. Employee's refusal results in loss of compensation. |
| ALASKA | From portion of Second Injury Fund over $10,000, by 8% tax on compensation paid by employers or insurers for permanent partial disability plus $10,000 for no-dependency death, except in any year that fund contains $400,000 or more; plus civil penalties. | $100 per month during retraining plus tuition and transportation. | Limit per person (including maintenance allowance) $5,000. If no longer entitled to compensation for temporary disability, may receive maintenance allowance from fund plus an amount equal to half of temporary total disability benefits from employer or insurer. |
| AMERICAN SAMOA | Second Injury Fund. | $10 weekly paid by employer plus maintenance from Special Fund. | Commission arranges for vocational rehabilitation of permanently disabled workers. |
| ARIZONA | $1,150 in no-dependency death cases. Appropriations annually from general fund up to 2% of annual premium. | Commission may authorize additional necessary awards to persons undergoing vocational rehabilitation. | Vocational rehabilitation trainees considered an employee at $200 monthly wage rate for compensation benefits. |
| ARKANSAS | No fund established. | Reasonable expenses for maintenance, travel, and other necessary costs for 60 weeks maximum. | Must apply to Commission within 60 days. Commission may authorize vocational rehabilitation if reasonable in relation to disability, but worker may refuse. |
| CALIFORNIA | No fund established. | All additional necessary living expenses during rehabilitation. | Rehabilitation unit shall be established in Division of Industrial Accidents. Rehabilitation program is compulsory on part of employer or carrier. Rehabilitation trainee is considered employee of training employer for insurance purposes. |
| COLORADO | No fund established for vocational rehabilitation.* | Maintenance, tuition, and transportation during 26 weeks. | Period of time may be extended if necessary. Employee cannot receive disability benefits and maintenance simultaneously. |
| CONNECTICUT | 2% tax upon compensation paid by insurers and self-insurers. | Additional compensation of $40 per week during rehabilitation paid by employer. | Rehabilitation is continued until employee reaches maximum improvement in opinion of Commissioner. Rehabilitation Division established within Commission. |
| DELAWARE | No fund established. | Reasonable board, lodging, and travel. | State Board of Rehabilitation may provide vocational rehabilitation, training, services, and money payments for living requirements. Employee's refusal results in loss of compensation. |
| DISTRICT OF COLUMBIA | 50% of Special Fund (see Chart XII—Second Injury Funds—Special Provisions). | Not exceeding $25 per week. | Surplus in fund in any one year may be carried over. Appropriations authorized. |
| FLORIDA | Payments from Special Fund and assessments upon insurers and self-insurers. | Reasonable board, lodging, and travel. | Injured worker is entitled to prompt rehabilitation including retraining, provided by or at the expense of the employer. Rehabilitation may be up to 26 weeks extendable for an additional 26 weeks. Refusal to accept rehabilitation deemed necessary by deputy commissioner results in automatic 50% reduction in compensation for each week of refusal. |
| GEORGIA | No fund established. | Board, lodging, and travel, if away from home. | Vocational rehabilitation furnished for 52 weeks but may be extended if necessary. Employee's unreasonable refusal may result in suspension of compensation. |
| GUAM | $1,000 in no-dependency death cases; penalties and fines levied under Act. | $10 per week during retraining. | Commission directs the vocational rehabilitation of permanently disabled employees and arranges with the appropriate public or private agencies for such education. |
| HAWAII | Payments from Second Injury Fund. | Director of Labor to issue rules. | Rehabilitation unit within Department of Labor makes recommendation for physical or vocational rehabilitation. |
| IDAHO | 7% tax on insurers and self-insurers. | Reasonable expenses for maintenance and travel. | Rehabilitation Division administers. Temporary disability benefits payable up to 104 weeks where retraining required. |
| ILLINOIS | No fund established. | Maintenance costs and incidental expenses. | Physical, mental, and vocational rehabilitation as may be necessary. Institutional care, if required. |
| INDIANA | No fund established. | No specific statutory provision* | |
| IOWA | No fund established. | $20 weekly in addition to other compensation for 13 weeks. | May be extended additional 13 weeks. Medical care includes physical rehabilitation. |
| KANSAS | No fund established. | If employer provides vocational rehabilitation, must pay reasonable board, lodging, and travel up to $2,000 for a 26 week period (may be increased to $3,000). | If vocational rehabilitation unavailable through public facility, employer must provide up to 26 weeks, extendable additional 26 weeks. Compensation suspended for worker's unreasonable refusal of physical or vocational rehabilitation; compensation canceled after 90 days' refusal. Rehabilitation Section of Division administers. |
| KENTUCKY | No fund established. | Board, lodging, and travel, if away from home. | Unlimited medical rehabilitation; vocational rehabilitation up to 52 weeks (may be extended). Employee's refusal results in loss of 50% of compensation. |
| LOUISIANA | No fund established. | No specific statutory provision. | |
| MAINE | No fund established. | $35 per week for 52 weeks. | Commission member may extend vocational or educational rehabilitation benefits for additional 52 weeks or for a 3rd period of 52 weeks.* |
| MARYLAND | No fund established. | Up to $40 weekly paid by employer. | Workmen's Compensation Commission investigates all claims and reports of injury or disability for referral to Division of Vocational Rehabilitation. Employee entitled to 24 months of vocational rehabilitation. Employee's unreasonable refusal results in loss of compensation. Employer pays compensation for temporary total disability plus expenses of vocational rehabilitation. |
| MASSACHUSETTS | No fund established. Paid the same as compensation. | Rehabilitation Commission may approve room, board, and travel expenses. | Necessary cost of rehabilitation subject to approval of Rehabilitation Commission. |
| MICHIGAN | No fund established. | Transportation and other necessary expenses during 52 weeks training. | Medical and vocational rehabilitation services under Workers' Compensation Bureau may extend training period additional 52 weeks, maximum total 104 weeks.* |
| MINNESOTA | No fund established. | As approved under rehabilitation plan. | Employer must provide vocational rehabilitation consultation from approved list of consultants. Worker must cooperate or face suspension or reduction of benefits. During on-the-job training, worker receives benefits equal to pre-injury take home pay. During other rehabilitation, benefits equal 125% of TT rate, in lieu of TT, TP, or PT benefits. |
| MISSISSIPPI | No fund established. | Up to $10 per week up to 52 weeks. | Commission cooperates with federal and state agencies. A rehabilitation unit created in 1977 expired on 6-30-79. |
| MISSOURI | Second Injury Fund. | $40 weekly for physical rehabilitation (by order of Division after 20 weeks). | Administered by Director of Worker's Compensation Division. Division may order employer to provide transportation. |
| MONTANA | Rehabilitation Fund by 1% tax upon compensation paid by insurers, self-insured, and state fund. | Additional $50 weekly for living expenses while in training plus transportation, tuition, books, and equipment. | Administered by Workers' Compensation Division in conjunction with Department of Social and Rehabilitation Services. Employee's refusal may result in loss of compensation. |
| NEBRASKA | Vocational Rehabilitation Fund by 1% premium tax on insurers and self-insurers (minimum $25) payable to Court. | Board, lodging, and travel in addition to compensation. | Insurer must furnish medical, physical, and vocational rehabilitation services voluntarily (if not, may be ordered to do so). Costs may be apportioned between the employer and the Vocational Rehabilitation Fund. Payments into fund suspended when fund reaches $400,000 (see Chart XII). |
| NEVADA | State Insurance Fund. | Commission may allow maintenance as needed. | Commission authorized to provide all necessary rehabilitation services. Employee's refusal results in loss of all benefits. |
| NEW HAMPSHIRE | No fund established. | Board, lodging, travel, books, and basic materials in addition to compensation. | Insurer must furnish rehabilitation services voluntarily, or may be ordered to do so, for one year and further treatment if needed. Vocational and physical rehabilitation staff assist in program. |
| NEW JERSEY | No fund established. | | Permanent total disability benefits may be stopped after 450 weeks unless the worker has submitted to physical or educational retraining. |

Colo. *Medical and vocational rehabilitation expenses over $20,000 may be authorized from Major Medical Insurance Fund. Fund financed by premium tax of 1.75% on insurers and self-insurers.

Ind. *State Rehabilitation Services Board administers vocational rehabilitation programs. Compensation suspended for refusal of suitable on employment by partially disabled claimant.

Maine *Parties may agree to 3-month trial work period during which compensation is suspended. Compensation resumed if unsuccessful.

Mich. *Handicapped persons undergoing rehabilitation at nonprofit work activities centers or sheltered workshops may receive compensation less than that provided for total disability (§418.351(1)) but not less than 25% of that amount or 100% of actual earnings, whichever is less. Repealed effective 1.1.82.

(continued)

| JURISDICTION | SOURCE OF FUND | MAINTENANCE ALLOWANCE | SPECIAL PROVISIONS |
|---|---|---|---|
| NEW MEXICO | No fund established | Board, lodging, travel, and maintenance for worker's family, $1,000 maximum in addition to other compensation | Employer must furnish vocational rehabilitation services to render worker fit to engage in remunerative employment |
| NEW YORK | $2,000 in no-dependency death cases | Not more than $30 per week for rehabilitation maintenance | Department of Labor cooperates with Department of Education |
| NORTH CAROLINA | No fund established | | Insurer must furnish rehabilitation services required to lessen disability. Employee's unreasonable refusal of services ordered by Commission results in loss of compensation |
| NORTH DAKOTA | Reserve set aside out of statutory surplus fund | Rehabilitation allowance in lieu of and equal to compensation plus 25% | Bureau through its Director of Rehabilitation provides retraining. Employee's unreasonable refusal to cooperate shall forfeit compensation. Additional allowance of $5,000 maximum during lifetime for remodeling living or business facilities, if required |
| OHIO | State Insurance Fund | Same as for temporary total disability, minimum 50% of SAWW, for 6 months (renewable) | Rehabilitation Division within Commission administers. Division may make all necessary expenditures, including treatment of non-occupational conditions inhibiting return to work |
| OKLAHOMA | No fund established | Board, lodging, travel, tuition, and books | Court may order necessary rehabilitation up to 52 weeks |
| OREGON | Rehabilitation reserve out of Administrative Fund | | Department may provide vocational rehabilitation—as much as necessary. May also operate and control a physical rehabilitation center. Employee receives temporary disability compensation while undergoing rehabilitation. Department shall reimburse employer for temporary disability benefits paid after injury is medically stationary.* |
| PENNSYLVANIA | No fund established | Rehabilitation Board may provide cash payments for living expenses | State Board of Rehabilitation may provide vocational rehabilitation, training, and services |
| PUERTO RICO | No fund established | Administrator may grant $45 weekly for 26 weeks maximum | Rehabilitation center provides physical, medical, and rehabilitation services |
| RHODE ISLAND | $750 in no-dependency death cases; 1% of insurance premium | | Rehabilitation clinic established to make available to injured workers "all possible modern curative treatment." This clinic is financed by the Curative Centre Fund |
| SOUTH CAROLINA | No fund established | No specific statutory provision | |
| SOUTH DAKOTA | State Fund to $15,000 | Provided by Rehabilitation Division | State Board of Education authorized to cooperate with federal board of rehabilitation. Employee paid compensation while undergoing rehabilitation |
| TENNESSEE | No fund established | | Division of Workers' Compensation refers feasible cases to Department of Education pursuant to plan providing full or partial recovery of expenses from employer or insurer |
| TEXAS | No fund established | | Insurer furnishes necessary medical care and services for physical rehabilitation. Board may refer employee to Vocational Rehabilitation Division |
| UTAH | $18,720 in no-dependency death cases | $1,000 maximum during rehabilitation of permanently and totally disabled person | If cannot be rehabilitated, worker receives benefits for life from Second Injury Fund, minimum $85 per week |
| VERMONT | No fund established | Board, lodging, travel, books, and tools | Commissioner may order vocational rehabilitation services. If employee refuses, compensation may be suspended. Rehabilitation services furnished for one year but may be extended in unusual cases |
| VIRGIN ISLANDS | Government Insurance Fund | Board, lodging, and travel | Income benefits during rehabilitation suspended for employee's refusal to accept vocational rehabilitation. See Chart V—Total Disability Benefits |
| VIRGINIA | Second Injury Fund | | Commission may award compensation, medical care, and vocational rehabilitation. Employee's unreasonable refusal may suspend compensation |
| WASHINGTON | No fund established | Compensation plus board and lodging away from home for 52 weeks | Supervisor may extend period for another 52 weeks. Department operates a Rehabilitation Center and pays for books, supplies, tuition, and transportation; $1,500 maximum per year. Compensation may be denied if worker refuses rehabilitation without good cause |
| WEST VIRGINIA | State Fund used; no special account | $10,000 per case, plus temporary total payments if totally disabled | Commission may authorize vocational training and furnish crutches, artificial limbs and other mechanical appliances, medical and hospital treatments |
| WISCONSIN | No fund established | Up to $176 per week up to 40 weeks, plus traveling expense and maintenance | Course of instructions must be undertaken with 60 days from date sufficiently recovered or as soon thereafter as State Board provides opportunity. 40-week period may be extended if necessary. Department employs rehabilitation specialists (physical, medical, and vocational) to evaluate and refer injured employee for treatment |
| WYOMING | No fund established | Up to $10 per week (may be increased to $15 per week if insufficient) up to 72 weeks | District judge grants maintenance allowance on recommendations of Board of Education |
| F.E.C.A. | Employees' Compensation Fund | Up to $100 per month | If person fails to undergo rehabilitation, administrator may reduce benefit if rehabilitation would have increased earnings |
| LONGSHORE ACT | 50% of Special Fund (See Chart XII—Second Injury Funds—Special Provisions) | Up to $25 per week | Surplus in Fund in any one year may be carried over. Appropriations authorized |
| ALBERTA | Accident Fund | Discretion of Board | Board operates physical rehabilitation center. Board may make necessary expenditures to aid vocational rehabilitation |
| BRITISH COLUMBIA | Accident Fund | Discretion of Board | Rehabilitation Clinic established. Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse |
| MANITOBA | Accident Fund | Discretion of Board | Board may make necessary expenditures to aid rehabilitation |
| NEW BRUNSWICK | Accident Fund | Discretion of Board | Board may make necessary expenditures to aid rehabilitation |
| NEWFOUNDLAND | Accident Fund | Discretion of Board | Board may make necessary expenditures to aid rehabilitation |
| NORTHWEST TERRITORIES | Accident Fund | Board and lodging—$22.50 daily for first 7 days; $20 daily thereafter. Employer pays transportation cost | Board may order rehabilitation and retraining |
| NOVA SCOTIA | Accident Fund | Discretion of Board | Board may make necessary expenditures to aid rehabilitation |
| ONTARIO | Schedule 1 cases—Accident Fund<br>Schedule 2 cases—employers individually | Discretion of Board<br>Discretion of Board | No limit on amount in any one case or in any year for rehabilitation |
| PRINCE EDWARD ISLAND | Accident Fund | Discretion of Board | Board may make necessary expenditures to aid rehabilitation |
| QUEBEC | Schedule 1 cases—Accident Fund<br>Schedule 2 cases—employers individually | Discretion of Board<br>Discretion of Board | |
| SASKATCHEWAN | Injury Fund | Discretion of Board | Board provides on-the-job training, employer assistance, and physical and occupational therapy. Vocational training is also available for spouse |
| YUKON TERRITORY | Compensation Fund | Subsistence in Commissioner's discretion | Commissioner may make necessary expenditures to aid rehabilitation |
| CANADIAN MERCHANT SEAMEN'S ACT | No fund established | No specific statutory provision | |

Oregon *Field services division assists injured workers return to work as soon as condition permits.

# PART 3
# ADMINISTRATION

Since workers' compensation grew out of a public dissatisfaction with the manner in which job-related disabilities were handled, it is not surprising that the system was designed with an eye toward prompt and effective disposition of disability cases. Without an effective delivery system, many of the problems associated with the common law and employer liability statutes would remain.

This requirement for an effective delivery system remains valid today. Indeed the National Commission on State Workmen's Compensation Laws, in listing this as a major objective for a modern workers' compensation system, made special note that the achievement of the system's objectives for protecting against workplace disabilities was dependent upon an effective system for delivery of the benefits and services. This observation was reaffirmed by a second federal report on workers' compensation delivery in 1977 (**see Special Report in 1977 edition**) which emphasized the importance of efficient program administration.

As originally envisioned, the system would be self-administering. Over time, the complexities of the system proved too much for a laissez-faire approach, and states moved to take a more affirmative role in the administration of their laws.

Generally, the states have moved either to administer their laws through their court system, a special commission or board, or a combination of both. In Canada, administrative activities are carried out by a board. The principal areas of administration include—

- Supervision of compliance with statutory requirements for employers, employees, carriers, and medical and legal personnel.
- Investigation and decision on disputed claims and the supervision of medical and vocational rehabilitation.
- Management of second injury funds, special assessment requirements.
- Collection of data and evaluation of program performance.

## ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS: CHART X

Workers' compensation laws generally are administered by commissions or boards created by law. A few states provide for court administration.

Chart X shows statutory provisions relating to administration. These include (1) time limits in which employers must be advised of injury, (2) time in which claims must be filed, (3) claims settlement conditions, and (4) regulation of attorney fees.

## EMPLOYER'S REPORT OF ACCIDENTS: CHART XI

All employers are interested in requirements legally imposed on them to report injuries, and the penalty—if any—imposed for failure to report. In many jurisdictions, except for preliminary reports, the insured's company relieves an employer of this burden. Provisions for employers' reports of accidents are summarized in Chart XI.

## SECOND-INJURY FUNDS: CHART XII

Second-injury funds (or like arrangements) were developed to meet problems arising when a pre-existing injury combines with a second to produce disability greater than that caused by the latter alone. The funds (1) encourage hiring of the physically handicapped and (2) more equitably allocate costs of providing benefits to such employees. Second-injury employers pay compensation related primarily to the disability caused by the second injury alone—even though the employee receives a benefit relating to his combined disability; the difference is made up from a second-injury fund.

Where no special second-injury fund is provided by law, an employer in whose employ a second injury is sustained usually is liable for compensation due for the total resulting disability. Because of the potential increased cost of compensation benefits, an employer thus may be influenced to refuse employment to handicapped persons. It is for this reason that second-injury funds are advocated.

Most compensation laws now limit employer liability in second-injury cases to payment for the disability resulting from the second injury considered by itself—as shown in Chart XII. The chart indicates the nature of the injury covered, portion payable by the employer and by the fund, and the sources of the fund.

## ADMINISTRATION EXPENSES: CHART XIII

Chart XIII refers to (1) how costs of administration are met; (2) nature of assessments, if any; and (3) type of insurance provided for—whether private or state or both.

## APPEAL PROVISIONS: CHART XIV

Appeal provisions—including designation of the court of appeal and nature of the procedures—are summarized in Chart XIV. Most Canadian jurisdictions use the inquiry system and do not provide for judicial appeals.

## DIRECTORY: CHART XV

The names and addresses of the administrators, boards, and commissioners for all jurisdictions reported upon by the *Analysis* are furnished.

| JURISDICTION | ADMINISTRATION | NOTICE TO EMPLOYER | CLAIM FILING | HOW CLAIMS ARE SETTLED | AWARD EFFECT | REVIEW BY AGENCY | MODIFICATIONS | ATTORNEY'S FEES |
|---|---|---|---|---|---|---|---|---|
| **ALABAMA** | Courts | In writing within 5 days; excusable up to 90 days | Within 1 year after accident, last payment, or removal of incapacity | By agreement, which must conform substantially to terms of act unless court approves lesser sum. Disputed cases settled by courts | Lien when registered with probate judge | | Award for more than 6 months at any time by agreement of parties with court approval | Fixed by Circuit Court judge up to 15% of award |
| **ALASKA** | Workmen's Compensation Board | In writing to Board and employer within 30 days; excusable | Within 2 years after knowledge of disability. Within one year after death or 2 years after last payment | By Board | Lien; recording required in 1 year. Interest and penalties accrue | By Board | Within 1 year after last payment of compensation or after rejection of claim | Fixed by Board |
| **AMERICAN SAMOA** | Workmen's Compensation Commission | In writing within 30 days; excusable | Disability—within 1 year after injury or last payment. Death—within 1 year after death or claimant should know relation to employment | Compensation payable without award except in disputed cases. Disputed cases settled by Commission | Award is effective upon filing; enforceable by High Court | | By Commissioner on application or own motion within 1 year after last payment or rejection of claim. At any time in case of fraud | Subject to approval of Commissioner or High Court. Court may assess costs against party that proceeds without reasonable grounds |
| **ARIZONA** | Industrial Commission | Forthwith; excusable | Within 1 year after injury or accrual of right; excusable.* Claim not barred if compensation has commenced | By Commission | Lien upon filing | By administrative law judge within 30 days | By administrative law judge on application | Commission may regulate; maximum 25% of award |
| **ARKANSAS** | Workers' Compensation Commission | Within 60 days; excusable | Within 2 years after injury or death | Compensation is payable without award except in contested claims. Disputed claims heard by Commission, member, or administrative law judge, upon application | Preference rights of unpaid wage claims | By Commission from decision of member of administrative law judge within 30 days | By Commission with 6 months of end of compensation period except in "joint settlements." | Sliding scale subject to approval by Commission; fees awarded in addition to compensation. Maximum $100 on appeal to full Commission; $250 on appeal to Court |
| **CALIFORNIA** | Division of Industrial Accidents handles administration. Appeals Board handles judicial functions | In writing within 30 days; excusable | Disability—within 1 year from date of injury or last payment. Death—within 1 year after death to 240 weeks after injury | By agreement on approval of Appeals Board which may order hearing. Disputed cases settled by Appeals Board on application | Judgment on filing in Superior Court | By Appeals Board from referee's findings | Reconsideration within 20 days; no modification after 5 years | Reasonable fee fixed by Appeals Board. If Court finds no reasonable basis for appeal, Appeals Board may award fees as supplementary award |
| **COLORADO** | Director, Division of Labor | Within 2 days; excusable (claimant loses one day's compensation for each day's delay) | Within 3 years after injury or death. Does not apply if compensation paid or if reasonable excuse in 5 years | By agreement approved by Division of Labor. Disputed claims settled by referee | Judgment on filing copy of award against uninsured employer in District Court | By Industrial Commission from referee's decision | By Division of Labor within 6 years from date of accident or 2 years after last payment (whichever is later) | Upon request, director may approve reasonableness of fee; 25% in contested case, more in difficult case on appeal |
| **CONNECTICUT** | Workers' Compensation Commissioners (one for each of 8 districts plus one at large) | Forthwith; excusable | Within 1 year after accident. If death results within 2 years after accident or disease—within 2 years from accident or disease, or within 1 year from death (whichever is later).* | By agreement, on approval of Commission. Disputed cases settled by Commission | Judgment on filing in Superior Court. Award has preference rights of unpaid wages | By Compensation Review Division within 20 days.** | By Commissioner during compensation period | Subject to approval of Board |
| **DELAWARE** | Industrial Accident Board | If notice not given in 90 days no compensation due until notice or knowledge of injury | Within 2 years after injury, death, or 5 years from last payment | By agreement, on approval of Board. Disputed cases settled by Board after hearing | Preference rights of unpaid claims | | By Board at any time, but no more often than once each 6 months | 30% of award or $2,250, whichever is less. Reasonable fee on appeals |
| **DISTRICT OF COLUMBIA** | Division of Longshore and Harbor Workers' Compensation, O.W.C.P., U.S. Department of Labor | In writing within 30 days; excusable by Deputy Commissioner | Within 1 year after accident or last payment | By Deputy Commissioner or hearing examiner | Award is effective upon filing | By deputy commissioner on application or own motion, and by Benefits Review Board on appeal | By Deputy Commissioner and upon filing with court | Approval by Deputy Commissioner, Benefit Review Board or court where services given |
| **DISTRICT OF COLUMBIA GOVERNMENT WORKERS** | D.C. Office of Workers' Compensation | 48 hours; extended for cause | Within 60 days after injury or 1 year after death; extended for cause | By Office of Workers' Compensation | Fund pays award | By administrator upon own motion or application at any time | By administrator | Subject to approval by administrator |
| **FLORIDA** | Division of Workers' Compensation | In writing within 30 days; excusable | Within 2 years after injury, death, or last payment | By agreement, but Division may investigate. Upon application Division must order hearing conducted by deputy commissioner | May be filed in proper court; execution or other process in Circuit Court | | By deputy commissioner on application or own motion within 2 years after last payment or claim rejection | Subject to approval of Division, deputy commissioner or court; claimant pays own fee |
| **GEORGIA** | Board of Workers' Compensation | Within 30 days; excusable | Within 1 year after injury, death, or medical care; or within 2 years after last payment | Compensation is payable without award except in contested claims. Disputed claims settled by Board, Director, or administrative law judge | Judgment in Superior Court on certified copy of award.* | By Board on application within 30 days | By Board on application or own motion within 2 years after final payment. Final settlement may not be modified | Fees in excess of $100 subject to Board approval. Board may assess attorney's fees against any party who proceeds without reasonable grounds or fails to provide income benefits as required |
| **GUAM** | Director of Labor and Personnel | In writing within 30 days; excusable | Within 1 year after injury, death, or last payment | Compensation is payable without award within 14 days after knowledge of injury or death. Controverted claims are settled by the Commission | Lien against assets of carrier or employer. Enforcement of final order by Island Court | | By Commissioner within 1 year after last payment or rejection of claim, on own motion or application | Subject to approval of Commissioner or Court on review. Costs assessed against party who proceeds without reasonable grounds |
| **HAWAII** | Director of Labor and Industrial Relations | Forthwith; excusable | 2 years after date on which effects of injury become manifest, but within 5 years after date of accident causing injury | Agreements must be prepared by Director in accord with law. If not agreed, Director makes award | Judgment on filing in Circuit Court | By Appellate Board within 20 days | By Director on own motion or on application of any party within 20 days | Subject to approval of Director. Maximum 10% of average benefit duration multiplied by claimant's weekly benefit amount |
| **IDAHO** | Industrial Commission | In writing within 60 days after accident; excusable | Within 1 year after accident or death | By agreement, subject to approval of Commission. Disputed cases settled by Commission or member after hearing | Judgment in District Court on filing certified copy of award | By Commission within 20 days | By Commission within 5 years of accident, but no more often than once in 6 months | Subject to approval of Commission |

Ariz. *Limit on filing runs from when injury is manifest or when claimant knows should know relation to employment; tolled during incapacity.

Ark. *A "joint settlement" is authorized where all parties petition an immediate final settlement by the Commission. In such cases, an order of the Commission is final except as to appeals to the courts, but an order of the Commission allowing or denying such petition is not appealable.

Conn. *Within 3 years after first symptom of disease. Lack of notice excused if voluntary agreement, or medical treatment within 1 year after accident.
**The 9 Commissioners comprise the Review Division.

Ga. *7 percent interest on all accrued amounts of awards. Interest runs on Superior Court judgment in event of appeal.

(continued)

| JURISDICTION | ADMINISTRATION | NOTICE TO EMPLOYER | CLAIM FILING | HOW CLAIMS ARE SETTLED | AWARD EFFECT | REVIEW BY AGENCY | MODIFICATIONS | ATTORNEY'S FEES |
|---|---|---|---|---|---|---|---|---|
| ILLINOIS | Industrial Commission | Within 45 days. For radiological injury, within 90 days after employee knows or suspects that he has received an excessive dose of radiation. | Barred after 3 years from injury or death, or 2 years after last payment, whichever is later. Radiation—within 25 years after last exposure for injury, within 1 year after death.* | By agreement, subject to approval of Commission, after 7 days from injury. Disputed cases settled by arbitrator or arbitration committee. | Judgment in Circuit Court on filing certified copy of award. | By Commission from decision of arbitrator or arbitration committee within 15 days. | By Commission within 30 months of agreement or award. | Maximum 20% of compensation paid, up to 364 weeks of permanent total disability. Unreasonable or vexatious delay by employer or carrier in payment of compensation may be penalized by payment of attorney's fees. |
| INDIANA | Industrial Board. | In writing as soon as practicable; excusable. Compensation accrues from date of notice if given after 30 days. | Within 2 years after injury or death. Radiation—2 years after worker knows should know relation to employment. | By agreement, after 7 days from injury or at any time after death; subject to approval of Board. Disputed cases settled by Board or member on application. | Judgment in Circuit or Superior Court on certified copy of agreement or award. Preference rights of unpaid wages. | By full Board within 20 days after award. | By Board on application or own motion, within 2 years after last day for which compensation is paid. | Subject to approval of Board. Paid out of award unless bad faith by employer or lack of diligence, in which case minimum fee is $150. |
| IOWA | Industrial Commissioner. | Within 15 days; excusable up to 90 days. | Within 2 years after injury. | By agreement, or through arbitration by Commissioner. Commissioner may compromise and settle doubtful claims on behalf of the state. | Judgment in District Court on filing certified copy of agreement or decision. | By Commissioner from decision of Deputy Commissioner within 20 days. | By Commissioner within 3 years from last payment, award, or noncommuted settlement. | Subject to Commissioner's approval. |
| KANSAS | Division of Workers Compensation. | Within 10 days; excusable. | Claim must be served on employer within 200 days after accident or last payment, or within 1 year after death for death within 5 years after accident. Application for hearing must be filed with Division within 3 years after accident or within 2 years after last payment, whichever is later.* | By agreement, subject to approval of Director. Disputed cases settled by administrative law judge after hearing, subject to an appeal to the Director. | Judgment in district court on filing certified copy of award. | By Director at any time before final payment, on application. | By Director, before final payment and within 1 year of prior approval, on application. | Maximum 25% of recovery in matters before Director or district court, subject to approval of Director pursuant to written contract which must be filed. |
| KENTUCKY | Workers' Compensation Board. | In writing as soon as practicable; excusable. | Within 2 years after accident or death. If paid voluntarily—claim submitted to employer within 1 year after suspension, or 2 years after accident, whichever is later. Limits tolled during minority or incapacity. | By agreement, subject to approval of Board. Disputed cases settled by full Board. | Judgment in Circuit Court on filing certified copy of award or approved agreement. | By Board. | By Board at any time, on application or own motion. | Subject to Board's approval. Maximum $6,500, except $750 maximum in uncontested occupational disease case. |
| LOUISIANA | Courts. | In writing within 6 months (12 if employer fails to post requirements); excusable. | Within 1 year after accident, death, or last payment; 2 years for delayed development of injury; 3 years from last payment in cases of partial disability. | By agreement, subject to approval of court. Disputed cases settled by the courts. | Settlement approved by court entered as judgment. | | By court after 6 months or any time by agreement. | Subject to court approval; maximum 20% of award on first $10,000 and 10 percent of any additional amount. |
| MAINE | Workers' Compensation Commission. | Within 30 days after injury, within 3 months after death; excusable. | Within 2 years after accident or last payment, or within 1 year after death. If mistake of fact, within a reasonable time, but no more than 10 years after last payment in any case. | By agreement, subject to approval of Commission. Disputed cases determined by commissioner after hearing. | Judgment on filing certificate with county clerk. | By single commissioner.* | On application; approved lump sum is final. | Commission may assess against employer if services were necessary. |
| MARYLAND | Workmen's Compensation Commission. | Within 10 days after injury (30 days for hernia), within 30 days after death; excusable. | Within 60 days after disability begins; excusable to 2 years. Within 18 months after death. Not barred for 3 years if treated by physician acting for employer.* | By agreement, subject to approval of Commission. Disputed cases settled by Commission or arbitration committee; hearing required on application. | | By Commission from arbitration committee on application. | From final award, on application or own motion within 5 years. | Subject to approval of Commission. |
| MASSACHUSETTS | Division of Industrial Accidents, under supervision of Industrial Accidents Board. | In writing as soon as practicable; excusable. | Within one year after injury or death; excusable. | By agreement, subject to approval of Division. Disputed cases settled by member of Division after preliminary conference prior to hearing. | Decree in Superior Court on certified copy of agreement or decision. | By reviewing Board from decision of member. | On application at any time, limited in death cases. | Subject to approval of Division. |
| MICHIGAN | Bureau of Workers' Disability Compensation. | In writing within 3 months; excusable. For occupational disease within 120 days after disablement.* | Within 6 months after injury, 12 months after death, or 3 months after disability develops; but in no case later than 3 years after injury.* | Compensation payable without award except in contested cases. Disputed cases settled by administrative law judge (by Bureau if "small dispute" after 1.1.82). | Judgment in Circuit Court on filing certified copy of award. | By Appeal Board within 15 days from decision of administrative law judge. | | Subject to approval of Bureau based on administrative rules and schedules. |
| MINNESOTA | Commissioner, Department of Labor and Industry as head of Workers' Compensation Division. | In writing within 14 days; excusable up to 180 days (later if mental or physical incapacity). | Within 3 years after employer's report, no more than 6 years from date of injury.* | By hearing process. | Judgment in District Court on filing certified copy of award. | By Court of Appeals within 30 days from decision of compensation judge. | By petition to Court of Appeals to vacate. | Sliding scale; subject to approval by compensation judge or Commissioner.** |
| MISSISSIPPI | Workmen's Compensation Commission. | Within 30 days; excusable. | Within 2 years after injury or death. | Compensation is payable without award except in contested claims. Disputed claims heard by Commission member or referee on application. | Lien against assets and has preference rights of unpaid wages. | By Commission from decision of administrative judge within 20 days. | By Commission on application or own motion within 1 year from last payment or claim rejection. | Subject to approval of Commission or court. |
| MISSOURI | Industrial Commission through Division of Workers' Compensation. | In writing within 30 days unless employer has actual knowledge. Division notifies worker of rights. | Within 2 years after injury or death, or 2 years after employer files injury report; or 3 years after injury if employer fails to file. Claim filing tolls limitation, but no claim may be filed after 5 years from injury or death. | By agreement, after 7 days from injury or death, subject to approval of administrative law judge or Commission. Disputed cases settled by administrative law judge. | Judgment in Circuit Court on certified copy of memorandum of agreement, order, decision, or award of Division or Commission. | By Industrial Commission within 20 days. | By Commission on application or own motion, after notice and hearing. | Commission or Division may allow reasonable fee. |
| MONTANA | Division of Workers' Compensation. | For injuries not resulting in death, within 60 days unless employer has actual knowledge. | Verified claim within 12 months after accident; Commission may grant additional 24 months. | By agreement subject to approval of Division. Disputed cases settled by Workers' Compensation Judge. | Lien on deposit of employer or insurer. | By W.C. Judge 10 days to disapprove final compromise settlement. | By W.C. judge within 4 years ...fter final award. Final compromise settlement not reviewable. | May be fixed by Division or W.C. judge. Added to successful claimant's award on appeals. |

Ill. *Death from radiation must occur within 2 years from last exposure if not compensation paid.

Kans. *If employer fails to report accident within 28 days, claim must be served on employer within 1 year after accident, and application must be filed with Division within 3 years after employer reports accident. *Childress v. Childress Painting Co.*, 597 P.2d 637 (Kansas S. Ct. 1979).

Maine *Overpayments are made pending review and may be recovered in lawsuit by employer if employee resumes work.

Md. *Employer or insurer who receives completed claim form must send it to Commission immediately and may not advise claimant that claim is denied.

Mich. *Changes effective 1.1.82. No notice requirement. Claim must be made to employer or Bureau within 2 years after injury, death, recovery from incapacity, or after worker knows should know relation of disease to employment. No claim valid unless made within 2 years after injury, manifestation of disability, or last employment, whichever is later. Deadline suspended if worker receives any disability benefits.

Minn. *Employer who threatens to discharge claimant for filing claim is subject to civil suit for treble damages, costs, and attorney fees.

**In controversy with insurer, successful claimant is awarded 25% of fee in excess of $250.

CHART 5 □ ADMINISTRATION, NOTICE TO EMPLOYER, CLAIM FILING □ (continued)

| JURISDICTION | ADMINISTRATION | NOTICE TO EMPLOYER | CLAIM FILING | HOW CLAIMS ARE SETTLED | AWARD EFFECT | REVIEW BY AGENCY | MODIFICATIONS | ATTORNEY'S FEES |
|---|---|---|---|---|---|---|---|---|
| **NEBRASKA** | Workmen's Compensation Court | In writing as soon as practicable; excusable | Within 2 years after injury, death, removal of incapacity, or last payment. For minors within 2 years after becoming 19. | By agreement with consent of insurer, but must be in accordance with Act. Disputed claims submitted to Compensation Court for hearing. Lump sums approved by Compensation Court and district court. | Judgment in District Court on filing certified copy of order or award. | By Compensation Court within 14 days after order or award of Judge. | By agreement, subject to approval of Compensation Court; or on application after 6 months by Compensation Court. | Subject to approval of judge of Compensation Court or Supreme Court (for lien purposes). |
| **NEVADA** | Industrial Commission | Immediately; excusable within 30 days from accident 60 days after death. | Within 90 days after accident, 1 year after death. | By agreement, in conformity with Act, subject to approval of Commission. | | By Dept. of Administration Hearing Officer, then to Appeals Officer. | On application within 1 year after injury or accrual of right. | District Court may assess costs and attorney's fees if appeal is frivolous. |
| **NEW HAMPSHIRE** | Department of Labor | In writing as soon as practicable and before voluntarily leaving employment. | Within 90 days after injury, death, removal of incapacity, or last payment. Claims barred unless notice given within 2 years from date of accident. | Compensation payable without award except in contested cases. | | By Commissioner. Special review board for state employees. | Commissioner of Labor may modify no later than 4 years after last payment, award, or last medical payment. | Subject to approval of Labor Commissioner or court. Attorney's fees and interest to successful claimant on appeal. |
| **NEW JERSEY** | Division of Workers' Compensation | Within 14 days; excusable up to 90 days. Separate provisions for occupational diseases. | Within 2 years after accident, death, last payment, or default. Separate provisions for occupational diseases. | By agreement, subject to approval of Division. Disputed cases settled by Division. | On filing with county clerk, has effect of County Court judgment, may be docketed in Superior Court. | | By agreement or on application for review within 2 years of last payment. Settlement approved by compensation judge is final and conclusive. | Not over 20 percent before Division. Court may fix reasonable fee on appeal.* |
| **NEW MEXICO** | Courts* | In writing within 30 days; excusable up to 60 days, and for knowledge. | Within 1 year after notice, death, or failure to pay. Time limit tolled while in same employment. | By agreement, subject to approval of District Court. Disputed cases settled by court. | Award is judgment. | | Provision only for decrease or termination. | 10 percent except on successful contest. Court may allow additional fee payable by employer. |
| **NEW YORK** | Workers' Compensation Board. | In writing within 30 days; excusable. | Within 2 years after accident or death. When advance payment is made, claim is not barred. | Compensation is payable without award within 18 days after disability, except in contested claims. Disputed claims settled by referee or Board. Hearing is mandatory upon application. | Payment within 10 days after decision, except in event of appeal. Judgment on filing certified copy of award in default. | By Board on application or own motion. | By Board at any time. Subject to special conditions. | As a lien on award if approved by Board. |
| **NORTH CAROLINA** | Industrial Commission. | In writing within 30 days; excusable. | Within 24 months after accident. | By agreement, after 7 days from injury, or at any time in case of death, subject to approval of Commission. Disputed cases settled by Commission or member. | Judgment in Superior Court on filing certified copy of agreement or decision. | By Commission, upon application within 15 days after award. | By Commission on application or own motion within 2 years. | Subject to approval of Commission. Commission may assess attorney's fees and court costs against party who proceeds without reasonable ground. |
| **NORTH DAKOTA** | Workmen's Compensation Bureau. | None required. | Within 1 year after injury or 2 years after death. | By Bureau. | Fund pays award, and has liquidated claim against defaulting uninsured employers. | | By Bureau at any time on application or own motion. | Determined by schedule adopted by Bureau; trial judge fixes on appeal but must give consideration to amount allowed by Bureau. |
| **OHIO** | Bureau of Workers' Compensation and Industrial Commission. | None required except to self-insurers. | Within 2 years after accident, injury, or death. | By Industrial Commission after hearing. | Fund or self insurer pays award after judgment. | By regional review board or Comm. within 20 days of decision of district hearing officer. | By Commission or by Bureau within 6 years after injury or 10 years from last payment or death. | Court fixes on appeals and in disputes. Maximum 20% for awards up to $3,000, 10% for awards over $3,000. Maximum $1,500.* |
| **OKLAHOMA** | Workers' Compensation Court and an Administrator. | In writing within 30 days; excusable.* | Within 1 year after injury or last payment. Death claims—within 1 year after death or last payment.** | By agreement, after 3-day disability, subject to approval of Workers' Compensation Court. Disputed cases settled by Court. | Judgment in District Court on certified copy after 10-day default. | By Workers' Compensation Court within 10 days. | By W.C. Court on application or own motion at any time. May reopen case within maximum number of weeks for which award is possible. | W.C. Court must approve and direct payment. 10% maximum for temporary disability, 20% maximum for permanent disability or death. |
| **OREGON** | Workers' Compensation Department. | In writing within 30 days; excusable. | Within 1 year after accident, last payment, or last date of medical services. | Insurer must either accept or reject claim within 60 days.* | | By referee on application within 60 days; further appeal to Board within 30 days. | By Board on own motion or on application of employee within 5 years. | Subject to approval of hearing officer, Board, or Court. Board establishes fee schedule. |
| **PENNSYLVANIA** | Bureau of Workers' Compensation* | Within 21 days; excusable to 120 days. No compensation due until notice is given. | Within 3 years after injury, death, or last payment. | By agreement, after 7 days from injury, subject to approval of Department. Disputed cases determined by Appeal Board after hearing. Claim may be assigned to referee for hearing. | Judgment in court on filing award or agreement. | By Appeal Board from referee's decision within 20 days. | By Department on application within 3 years. | Subject to approval of referee, Appeal Board, or court. |
| **PUERTO RICO** | Manager of the State Insurance Fund and Industrial Commission. | None required. | As soon as possible. | By the Manager under rules he makes. | Fund pays award. | By Manager at any time. | By Commission, within 30 days after copy of Manager's decision is served on the employee. Reconsideration on own motion or upon petition of interested party within 10 days. | No attorneys required in hearings, but if requested by employee, they are paid a percentage of the award fixed by the Commission, court, or Fund. |
| **RHODE ISLAND** | Workers' Compensation Commission. | In writing within 30 days; excusable. | Within 3 years after injury, manifestation, knowledge of injury, death, or removal of incapacity. | By agreement approved by Director. By Commissioner with appeal to full Commission. | Director's order enforceable by Commission and Superior Court. | By Commission within 48 hours. | By Commission during compensation period or within 10 years after compensation period has ceased, on own motion or on petition of either party. | Subject to approval of Commission. Commission to issue fee schedules following legislative review. |
| **SOUTH CAROLINA** | Industrial Commission—2 divisions: Judicial Division and Administration Department. | In writing as soon as practicable or within 90 days; excusable. | Within 2 years after accident or 1 year after death. | By agreement, after 7 days from date of injury or any time in case of death; subject to approval of Commission or member; after hearing, upon application. | Judgment in Common Pleas Court on certified copy of agreement or award. | By Commission from award of member within 14 days. | To Commission on application or own motion within 12 months from last payment. | Subject to approval of Commission. |
| **SOUTH DAKOTA** | Division of Labor and Management. | In writing as soon as practicable; within 30 days; excusable. | Within 2 years after notice of intention to deny coverage. | By agreement, if not disapproved by Commissioner within 20 days. Disputed cases settled by Commissioner after hearing, upon application. | Judgment in Circuit Court on certified copy of agreement or decision. | By Commissioner within 10 days. | By Commissioner on application. | Subject to approval of Commissioner. |

N.J. *Based on excess over amount of award tendered in good faith a reasonable time before a hearing.

N.M. *Occupational Disease Act administered by Superintendent of Insurance.

Ohio *Commission must fix attorney's fees in controversies, approve method of payment, and allow a reasonable fee upon application for review.

Okla. *If employer has actual notice of injury, statute of limitations is tolled until employer informs worker of right to file a claim.
**Employer that discriminates against claimant is liable for damages.

Pa. *Workers' Compensation Advisory Council recommends changes in administration of law.

(continued)

| JURISDICTION | ADMINISTRATION | NOTICE TO EMPLOYER | CLAIM FILING | HOW CLAIMS ARE SETTLED | AWARD EFFECT | REVIEW BY AGENCY | MODIFICATIONS | ATTORNEY'S FEES |
|---|---|---|---|---|---|---|---|---|
| **TENNESSEE** | Courts and Workers' Compensation Division | In writing within 30 days; excusable up to 1 year | Within 1 year after accident. Dependents—within 1 year after employer's notice accepting liability | By agreement, subject to approval of County Court. Disputed cases determined by Circuit Court | Judgment in Circuit Court on approved agreement | | By court, on application after 6 months. Award payable for more than 6 months may be modified by agreement approved by court | Subject to approval of court; maximum 20% of recovery or award |
| **TEXAS** | Industrial Accident Board | Within 30 days; excusable | Within 6 months after injury, death, or removal of incapacity; excusable.* | By agreement, in conformity to Act, subject to approval of Board (compromise agreements may be approved). Disputed cases settled by Board | Collectible by suit | | By Board at any time during compensation period on application or own motion | Subject to approval of Board or court but not to exceed 25% of recovery |
| **UTAH** | Industrial Commission | Within 48 hours; excusable up to 1 year | Within 1 year after death; within 3 years after disability or last payment | By Industrial Commission | Lien from time of docketing in District Court | By Commission within 15 days | By Commission at any time. Award may be reviewed upon showing change within 2 years for silicosis—if complicated, 5 years | Fixed by Commission |
| **VERMONT** | Commissioner of Labor and Industry | In writing as soon as practicable; excusable | Within 6 months after injury, death; loss of damage suit, or removal of incapacity; excusable | By agreement, in conformity to Act, subject to approval of Commissioner (compromise agreements may be approved). Disputed cases settled by Commissioner | Judgment in county court on certified copy of agreement or award | By Commissioner on application within 6 months | By Commissioner on own motion or application at any time | Commissioner may award to successful claimant, and on appeal, 6% interest on contested part of award |
| **VIRGIN ISLANDS** | Commissioner of Labor | In writing within 48 hours; extendable up to 30 days. Occupational disease—within 30 days from first manifestation; extendable to 90 days | Within 60 days after injury | | First priority lien on employer's assets | By Deputy Commissioner | By Deputy Commissioner | Subject to approval of Commissioner |
| **VIRGINIA** | Industrial Commission | In writing within 30 days | Within 2 years after accident or 1 year after death | By agreement, after 10 days from injury, or at any time after death; subject to approval of Commission. Disputed cases settled by Commission or member after hearing upon application | Judgment in Circuit Court on certified copy of agreement or award | By full Commission within 20 days after opinion | By Commission on own motion or application within 2 years of last payment, or 3 years for scheduled injuries | Subject to approval of Commission |
| **WASHINGTON** | Department of Labor and Industries | Immediately | Within 1 year after injury, death, or notice of occupational disease | By Department of Labor and Industries* | | By Board of Industrial Insurance Appeals within 60 days on application | By Department within 7 years, on application or own motion; 10 years for loss of vision claims | By Appeals Board upon application; reviewable by Superior Court |
| **WEST VIRGINIA** | Workmen's Compensation Commissioner | Immediately | Within 2 years after injury or death | By Commissioner, hearing upon application | | By Appeal Board within 30 days, or 60 days without notice | By Commissioner within set time limits, on written application, subject to review by Appeal Board.* | Maximum fees established, limited to 20% of total award |
| **WISCONSIN** | Workers' Compensation Division | Within 30 days; excusable | Within 2 years after injury or death. Excusable if employer knew of disability. All rights barred after 12 years from injury, death, or last payment | By agreement, or compromise subject to review by Commission within 1 year. Disputed cases settled by Commission | Judgment in Circuit Court on certified copy of award | By Commission within 20 days from examiner | By Commission on its own motion within 20 days; compromises may be modified within 1 year; if occupational disease, subject to review within 6 years | Limited to 20% of amount in dispute; if admitted liability, not to exceed 10% or $100 |
| **WYOMING** | Courts and Division of Worker's Compensation | Within 24 hours (also within 20 days to the court); excusable | Within 1 year after injury or discovery of injury not readily apparent | By District Court with right of jury trial in certain cases | | | By court within 2 years or during time payments are made on application | Limited to 10% of recovery. If unusual, complex case may get a reasonable fee |
| **F.E.C.A.** | Division of Federal Employees' Compensation, O.W.C.P., U.S. Department of Labor | 48 hours; extended for cause | Within 60 days after injury or 1 year after death; extended for cause | By Division | Fund pays award | By Administrator upon own motion or application at any time | By Administrator or Employees' Compensation Appeals Board on review | Subject to approval by Division or Appeals Board |
| **LONGSHORE ACT** | Division of Longshore and Harbor Workers' Compensation, O.W.C.P., U.S. Department of Labor | Within 30 days | Within 1 year after injury or death | By Deputy Commissioner (by agreement) or administrative law judge (formal hearing) | Award is effective on filing | By Deputy Commissioner upon own motion or application and by Benefits Review Board on Appeal | By Deputy Commissioner or court on review | Approval by Deputy Commissioner, court, or Review Board where service given |
| **ALBERTA** | Workers' Compensation Board | As soon as practicable | Within 1 year after injury or death; 3 years after death if worker filed for injury; excusable | By claims officer | Fund pays award | By review committee on request, then by full Board at any time | By Board at any time on application or own motion | |
| **BRITISH COLUMBIA** | Workers' Compensation Board | As soon as practicable | Within 1 year after injury, death, or disablement by disease; excusable within 3 years.* | By Board | Fund pays award | By Board of Review within 90 days. From Board of Review to commissioners of the Board within 60 days (30 days if at request of Chairman of Board of Review) | By Board at any time | Board may award expenses of proceeding to successful party.** |
| **MANITOBA** | Workers' Compensation Board | In writing as soon as practicable but no later than 30 days; excusable | Within 12 months after accident or death; excusable | By Board | Fund pays award | At any time | By Board | (+) |
| **NEW BRUNSWICK** | Workmen's Compensation Board | As soon as practicable | Within 1 year after injury or 6 months after death; excusable | By Board | Fund pays award | At any time | By Board[1] | |

[1]Modification of award due to aggravation or recurrence of injury may be based on earnings and benefits in effect at that time.

Texas *Employer who discriminates against claimant is liable for damages.

Wash. *Provision is made for recoupment of benefits paid through mistake or fraud.

W. Va. *Within 2 years for fatal or non-fatal cases; 5 years for temporary total disability or in cases of no awards.

B.C. *After 3 years, compensation is payable only from date of filing.
**Government-appointed advisors handle workers' and employers' claims.

Man. *Government-appointed advisor handles workers' claims.

(continued)

| JURISDICTION | ADMINISTRATION | NOTICE TO EMPLOYER | CLAIM FILING | HOW CLAIMS ARE SETTLED | AWARD EFFECT | REVIEW BY AGENCY | MODIFICATIONS | ATTORNEY'S FEES |
|---|---|---|---|---|---|---|---|---|
| **NEWFOUNDLAND** | Workers' Compensation Board | As soon as practicable | Within 6 months after injury or death | By Board | Fund pays award | At any time | By Board | |
| **NORTHWEST TERRITORIES** | Workers' Compensation Board | As soon as practicable | Within 1 year after injury or death; excusable if as soon as practicable; maximum 3 years after death | By Board | Fund pays award | At any time | By Board | |
| **NOVA SCOTIA** | Workers' Compensation Board | As soon as practicable | Within 6 months after injury or death; excusable | By Board | Fund pays award | At any time | By Board at any time or Workers' Compensation Appeal Board within 90 days | (1) |
| **ONTARIO** | Workmen's Compensation Board | As soon as practicable | Within 6 months after injury or death | By Board | Fund pays award | At any time | By Board | |
| **PRINCE EDWARD ISLAND** | Workers' Compensation Board | As soon as practicable | Within 6 months after injury or death | By Board | Fund pays award | At any time | By Board[1] | |
| **QUEBEC** | Workmen's Compensation Commission | As soon as practicable | Within 6 months after injury or death | By Commission | Fund pays award | At any time[1] | By Commission[1] | |
| **SASKATCHEWAN** | Workers' Compensation Board | As soon as practicable; excusable | Within 6 months after injury or death; excusable | By Board | Fund pays award | At any time | By Board | (1) |
| **YUKON TERRITORY** | Workers' Compensation Board | As soon as practicable | Within 1 year after injury or death; excusable if proof of disability or death is furnished within 3 years after accident and claim is a just one | By Board | Fund pays award | By Board at any time | By Board | |
| **CANADIAN MERCHANT SEAMEN'S ACT** | Merchant Seamen Compensation Board | As soon as practicable | Within 6 months after injury or death; excusable | By Board | Judgment in county district, or Quebec Superior Court on certified copy of award | At any time | By Board | Board may award expenses of proceeding to successful party |

N.S. [1]Gov.-in-Council may appoint counselor to assist claimants.

Quebec [1]Claimant may appeal from Commission to Social Affairs Commission.

Sask. [1]Government-appointed advisor handles workers' claims.

| JURISDICTION | KEEPING OF ACCIDENT RECORDS BY EMPLOYER[1] | REPORTING REQUIREMENTS[1] | | PENALTIES FOR FAILURE TO REPORT | | |
|---|---|---|---|---|---|---|
| | | | | FINES | | |
| | | INJURIES COVERED | TIME LIMIT | MAXIMUM | MINIMUM | IMPRISONMENT |
| ALABAMA | Required | Death or disability exceeding 3 days | Within 15 days | $500 | $12 | Up to 12 months |
| ALASKA | Required | Death or injury or disease or infection | Within 10 days | (+) | | |
| AMERICAN SAMOA | Required | Injury or death | Within 10 days* | 500 | | |
| ARIZONA | Not required | All injuries | Immediately and as required | | | Petty offense |
| ARKANSAS | Required | Injury or death | Within 10 days and as required | 100 | | |
| CALIFORNIA | Required | Death cases or serious injuries | Immediately* | 100 | 25 | |
| | | 1 day or more than first aid | As prescribed | | | |
| | | Occupational diseases or pesticide poisoning | Within 5 days | | | |
| COLORADO | Required | Death cases | Immediately | 100 per day | | |
| | | All injuries causing lost time of 3 days or more* | Within 10 days* | | | |
| CONNECTICUT | Required | Disability of 1 day or more | 7 days, or as directed | 250 | | |
| DELAWARE | Required | Death cases or injuries requiring hospitalization | Within 48 hours* | 100 | 25 | Up to 20 days |
| | | Other injuries | Within 10 days* | | | |
| DISTRICT OF COLUMBIA | Required | All injuries | Within 10 days | 500 | | |
| FLORIDA | Required | Death cases | Within 24 hours* | 100 | | |
| | | All injuries | Within 7 days and as required* | | | |
| GEORGIA | Required | All injuries requiring medical or surgical treatment or causing over 7 days' absence | Within 10 days* | 100** | | |
| GUAM | Required | Injury or death | Within 10 days* | 500** | | |
| HAWAII | Required | Death cases | Within 48 hours | 100 | | Up to 90 days |
| | | 1 day of absence | Within 7 days | | | |
| IDAHO | Required | All injuries requiring medical treatment or causing 1 day's absence | As soon as practicable but not later than 10 days after the accident[2] | 300 | | Up to 6 months |
| ILLINOIS | Required* | Death cases or serious injuries | Within 2 working days | 200 | 100 | Misdemeanor |
| | | Disability of over 1 day | Between 15th and 25th of month | | | |
| | | Permanent disability | Soon as determinable | | | |
| INDIANA | Required | Disability of 1 day or more | Within 7 days* | 500 | | |
| IOWA | Required | Disability of more than 3 days | Within 4 days | 100 | 100 | |
| KANSAS | Not required | Death cases | Within 28 days | (+) | | |
| | | Disability of 1 day or more | Within 28 days | | | |
| KENTUCKY | Required | Disability of more than 1 day | Within 7 days[2] | 25 | | |
| LOUISIANA | Not required | No statutory provision | | | | |
| MAINE | Not required | All injuries | Within 7 days | 100 | | |
| MARYLAND | Not required | Disability of more than 3 days | Within 10 days | 50 | | |
| MASSACHUSETTS | Required | All injuries | Within 48 hours[2] | 100 | | |
| MICHIGAN | Required | Death cases, disabilities of 7 days or more, and specific losses | Immediately | | | |
| MINNESOTA | Not required | Death or serious injury | Within 48 hours | | 50 | |
| | | Disability of 3 days or more | Within 15 days | | | |
| MISSISSIPPI | Required | Disability of one day or working shift | Within 10 days | 100* | | |
| MISSOURI | Not required | Death or disability of more than 3 days | Within 10 days* | 500 | 50 | 1 week to 1 year |
| MONTANA | Required | All injuries | Within 6 days* | 500–1,000 | | Misdemeanor |
| NEBRASKA | Required | Death cases* | Within 48 hours* | 1,000* | | Up to 6 months |
| | | All injuries* | Within 7 days* | | | |
| NEVADA | Required | All injuries | Within 6 working days | 100, each failure | | |
| NEW HAMPSHIRE | Required | All injuries | Within 48 hours | 25 | | |
| NEW JERSEY | Required | All injuries* | Immediately | 50 | 10 | |

[1]Federal Occupational Safety and Health Act of 1970 established uniform requirements and forms to meet its criteria for all businesses affecting interstate commerce to be used for statistical purposes and compliance with the Act. 12 U.S.C. §651.

[2]Supplemental report required after 60 days, or upon termination of disability.

[3]Attending physician also required to make periodic reports to Board.

[4]Supplemental report within 24 hours after returning to work or knowledge that worker is able to return.

Alaska: *20% of unpaid amounts due.

Am. Samoa: *Employer must also notify Commissioner upon first payment and suspension of payment, and within 16 days after final payment.

Calif.: *To Safety Division, in form required by federal Occupational Safety and Health Act.

Colo.: *Failure to report tolls time limit for claims. Disability of less than 3 days must be reported to insurer.

Del.: *Supplemental report upon termination of disability.

Fla.: *Supplemental report within 30 days after final payment.

Ga.: *Supplemental report on first payment and suspension of payment, and within 30 days after final payment. **For each refusal or willful neglect to report.

Guam: *Failure to report tolls limits for claims. **For each refusal or willful neglect to report.

Ill.: *To Safety Division, in form required by federal Occupational Safety and Health Act.

Ind.: *Supplemental report within 10 days after termination of compensation period.

Kans.: *Failure to report tolls time limit for claims. *Childress v. Childress Painting Co.* (Kans. App. 1979).

Miss.: *Added to compensation.

Mo.: *Supplemental report within 1 month after original notice to Division.

Mont.: *Insurance carrier also required to report (by rule).

Neb.: *Report may be made by insurance carrier or employer. Failure to report tolls time limits.

N.J.: *Uninsured employers are required to report compensable injuries only. If insured, carrier is also required to make report.

(continued)

| JURISDICTION | KEEPING OF ACCIDENT RECORDS BY EMPLOYER[1] | REPORTING REQUIREMENTS[1] | | PENALTIES FOR FAILURE TO REPORT | | |
|---|---|---|---|---|---|---|
| | | | | FINES | | IMPRISONMENT |
| | | INJURIES COVERED | TIME LIMIT | MAXIMUM | MINIMUM | |
| NEW MEXICO | Required | Compensable injuries* | Within 10 days | $100 | $ 25 | |
| | | All injuries** | Within 30 days | | | |
| NEW YORK | Required | Disability of 1 day or more or requiring medical care beyond two first aid treatments | Within 10 days | 500 | | |
| | | All injuries | As required | | | |
| NORTH CAROLINA | Required | Disability of more than 1 day | Within 5 days[2] | 25 | 5 | |
| NORTH DAKOTA | Required | All injuries | Within 1 week | 500 | | |
| OHIO | Required | Injuries causing 7 days total disability or more | Within 1 week | 500 | 500 | |
| OKLAHOMA | Required | All injuries | Within 10 days or a reasonable time | 500 | | |
| OREGON | Required | All serious injuries | Within 5 days | [4] | | |
| PENNSYLVANIA | Not required | Death cases | Within 48 hours | 100 | | Up to 30 days |
| | | Disability of 1 day or more | After 7 days but not later than 10 days | | | |
| PUERTO RICO | Required | All injuries | Within 5 days | 100 | | |
| RHODE ISLAND | Not required | Death cases | Within 48 hours | 50 | | |
| | | Disability of 3 days or more | Within 10 days* | | | |
| SOUTH CAROLINA | Required | All injuries requiring medical attention | Within 10 days[2] | 50 | 10 | |
| SOUTH DAKOTA | Required | All injuries | Within 10 days | 100 | | Or 30 days |
| TENNESSEE | Not required | Disability of 7 days or more | Within 14 days | 100 | 50 | |
| TEXAS | Required | Disability of more than 1 day | Within 8 days[2] | 1,000 | | |
| UTAH | Required | All injuries | Within 1 week | 500 | | |
| VERMONT | Required | Disability of 1 day or more or requiring medical care | Within 72 hours[2] | 25 | | |
| VIRGIN ISLANDS | Required | Injury or disease | Within 8 days | 500 | | Up to 6 months |
| VIRGINIA | Required | All injuries | Within 10 days[2] | 250 | | |
| WASHINGTON | Not required | All injuries requiring medical attention | Immediately | 100 | | |
| WEST VIRGINIA | Not required | All injuries | Within 5 days | | | |
| WISCONSIN | Required | Disability beyond 3 day waiting period | Within 4 days | 100 | 10 | |
| WYOMING | Required | All injuries | Within 10 days | 100 | | Up to 6 months |
| F.E.C.A. | No provision | Death or probable disability | Immediately | | | |
| LONGSHORE ACT | Required | All accidents | 10 days | 500 | | |
| ALBERTA | Required | All injuries | 24 hours[3,4] | 50 | 10 per day | |
| BRITISH COLUMBIA | No provision | Death cases | Immediately | [4] | | |
| | | All injuries | 3 days[3] | | | |
| MANITOBA | No provision | All injuries | 3 days[3,4] | 500* | 50 | |
| NEW BRUNSWICK | No provision | All injuries that disable or require medical aid | 3 days[3,4] | 50 | | |
| NEWFOUNDLAND | No provision | All accidents that disable or require medical aid | 3 days | 150 | | |
| NORTHWEST TERRITORIES | No provision | All accidents and deaths | 3 days[3,*] | 250 | | |
| NOVA SCOTIA | No provision | All accidents that disable or require medical aid | 3 days[3] | 50 | | |
| ONTARIO | Required | All accidents that disable or require medical aid | 3 days[3,4] | 250 | 25 | |
| PRINCE EDWARD ISLAND | No provision | All accidents that disable or require medical aid | 3 days | 100 | 10 per day | |
| QUEBEC | No provision | All accidents | 2 working days | 50 | | |
| SASKATCHEWAN | No provision | All accidents | 3 days[3] | 500* | | |
| YUKON TERRITORY | First aid cases | All accidents in which workman is injured | 3 days* | 1,000 | | Failure to pay penalty, imprisonment of 6 months to 1 year in aggregate |
| CANADIAN MERCHANT SEAMEN'S ACT | No provision | All accidents that disable or require medical aid | 60 days | 500 | | Up to 12 months |

N.M. *To the State Labor Commissioner
**To the Insurance Department of the State Corporation Commission
Oregon *25% additional compensation plus attorneys' fees
R.I. *Supplemental report upon termination of disability
B.C. *Employer may be liable for full cost of claim
Man. *Plus 50% of compensation payable
N.W.T. *Supplemental report within 3 days after return to work or knowledge that worker is able to return
Sask. *Plus percentage of assessment

| JURISDICTION | INJURIES COVERED | PAYABLE BY EMPLOYER | PAYABLE BY FUND | SOURCE OF FUND | SPECIAL PROVISIONS |
|---|---|---|---|---|---|
| ALABAMA | Second injury which combined with prior permanent partial disability results in permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent total disability. | $100 in death cases. | Employer must have knowledge of prior disabling injury affecting employability. |
| ALASKA | Second injury which added to pre-existing permanent physical impairment results in substantially greater disability than from second injury alone.* | Disability caused by second injury up to 104 weeks. | Compensation in excess of 104 weeks. | Amount equal to 8% of total compensation for permanent partial disability payble to fund; $10,000 in no-dependency death cases; civil penalties. | Vocational rehabilitation expense payable from fund. "Physical impairment" as listed or would support an award of 200 weeks or more. Payments into fund terminate when unencumbered balance reaches $400,000. |
| AMERICAN SAMOA | Second injury which combined with prior permanent impairment results in death or compensable disability greater than from second injury alone. | Benefits for first 104 weeks. | Benefits beyond first 104 weeks. | $1,000 in no-dependency death cases; plus fines and penalties. | Employer must have prior knowledge of disability. |
| ARIZONA | Second injury involving loss of use of member or eye which added to pre-existing loss of use of member or eye results in permanent total disability. Also, aggravation of a pre-existing disease or condition whether or not work-related. | Disability caused by second injury. | Difference between compensation payable for second injury and compensation for combined disability. If earning capacity is reduced by more than 50%, fund pays half of award for reduced capacity in excess of 50%. | $1,150 in no-dependency death cases. Commission may allocate up to 2% of yearly premiums to special fund to keep fund actuarially sound. | For aggravation of pre-existing condition, combined disability must be greater than 40%. Payments are also made from fund for vocational rehabilitation. |
| ARKANSAS | Second injury involving loss or loss of use of member or eye which added to pre-existing loss of member incurred in different employment results in permanent total disability.* | Disability caused by second injury. In permanent disability death cases, employer pays $50,000.* | Difference between compensation payable for second injury and permanent total disability. In permanent disability death cases, fund pays excess over $50,000.* | $1,000 in no-dependency death cases; $500 to Second Injury Fund and $500 to Permanent Total Disability and Death Fund; added penalty of 15% of benefits if due to employer's violation of health or safety regulations. | Employer liable for combined disability of both injuries in same employment, but not to exceed 450 weeks or $29,000.* |
| CALIFORNIA | Second permanent partial injury which added to pre-existing permanent partial disability results in 70 percent or more permanent disability. Second injury must account for 35 percent.* | Disability caused by second injury. | Difference between compensation payable for second injury and permanent disability. | Legislative appropriations and $50,000 in each no-dependency death case or unpaid balance. | Payments are made by State Compensation Insurance Fund. |
| COLORADO | Second injury which added to pre-existing permanent partial disability results in permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent total disability. | $15,000 in no-dependency or partial dependency cases. | Amount payable by fund is limited to 1.2 of average wage loss, in case employee obtains employment while securing benefits. |
| CONNECTICUT | Second injury or disease which added to pre-existing injury, disease or congenital causes results in permanent disability greater than from second injury alone. | Benefits for first 104 weeks, less compensation payable for prior disability. | Benefits beyond first 104 weeks, less compensation payable for prior disability. | Fines, plus 3-1.2% of compensation paid by carriers and self-insurers during preceding calendar year. | Payment suspended when fund reaches $500,000. |
| DELAWARE | Second injury or disease which added to existing permanent injury from any cause results in permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent disability. | Tax of 1% of premiums received by insurance carriers and equivalent charge on self-insurers. | Payments suspended when fund reaches $85,000 and resumed when below $35,000. |
| DISTRICT OF COLUMBIA | Second injury resulting in permanent partial disability which added to pre-existing injury results in permanent total disability. | Disability caused by second injury for first 104 weeks. | Difference between compensation payable for second injury and permanent total disability. | $5,000 in no-dependency death cases or unpaid awards. Pro-rata assessments upon carriers and self-insurers based on paid losses. Fines and penalties. | 50 percent of fund used to pay additional benefits in second injury cases and the balance for vocational education rehabilitation. Supplementary benefits for total disability or death payable from fund. |
| FLORIDA | Second injury or disease which merges with previous permanent physical impairment and results in substantially greater disability than from the second injury alone. | | Fund reimburses employer for 60% of impairment benefits, 60% of wage-loss benefits during first 5 years after maximum medical improvements and 75% thereafter, PT benefits after 175 weeks, 75% of death benefits and funeral expenses, and 50% of first $10,000 in temporary disability and medical benefits and 100% beyond $10,000. | Pro-rata annual assessment upon net premiums of insurers and self-insurers. | Assessment must equal sum of immediate past 3 years' disbursements. |
| GEORGIA | Second injury or disease which merges with prior permanent physical impairment and results in greater disability than from second injury alone. | Disability caused by second injury for first 104 weeks. | Employer reimbursed for 50% of medical expenses in excess of $5,000 up to $10,000, and 100% of medical expenses in excess of $10,000, plus income benefits beyond 104 weeks. | Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid. In no-dependency death cases, 1.2 of benefits payable or $10,000, whichever is less. | Employer must have prior knowledge of impairment. Assessments may be reduced or suspended when no funds are needed. |
| GUAM | Second injury which combined with a previous disability causes permanent disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent total disability. | $1,000 in no-dependency death cases. | Half of special fund is available as compensation for second injury, remainder as rehabilitation maintenance payment. |
| HAWAII | Second injury which added to pre-existing disabilities results in greater permanent disability. | Disability caused by second injury. Also in cases other than sceduled injuries in concurrent employments. | Difference between compensation payable for second injury and permanent total disability. | $8,775 in no-dependency death cases, and unpaid balance of compensation due in permanent total and permanent partial disability cases, if no dependents; 1.4% premium tax on insurers and self-insurers. | Premium tax suspended when balance exceeds $200,000, resumed when below $100,000. |
| IDAHO | Second injury which combined with prior permanent physical impairment results in permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent disability. | Amount equal to 4% of award for scheduled or unscheduled injuries. | When fund exceeds $500,000 excise may be suspended or reduced. |
| ILLINOIS | Second injury involving loss or loss of use of major members or eye which added to pre-existing loss of member results in permanent total disability. | Disability caused by second injury.* | Difference between compensation payable for second injury and permanent disability. | Semi-yearly employer payment of 125% of compensation payments. | When fund reaches $500,000 amount payable into fund reduced by 1.2. When fund reaches $600,000, payments cease. When fund reduced to $400,000, payment resumed. |
| INDIANA | Second injury involving loss or loss of use of hand, arm, foot, leg, or eye which added to pre-existing loss or loss of use of member results in permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent total disability. | 1% of compensation paid by insurers and self-insurers during preceding calendar year. | Payment suspended when fund reaches $400,000. |

Alaska *Pre-existing disability must support 25% earnings loss or 90 weeks of benefits.

Ark. *Effective 1.1.81, injuries covered include any second injury which added to pre-existing permanent partial disability or impairment results in greater disability than from second injury alone. Employer is liable only for disability caused by the second injury, and fund pays the difference between compensation payable for second injury and greater disability.

Ill. *Employer is liable in full if second injury is permanent and total without relation to prior injury.

Calif. *Second injury must account for 35% unless prior disability involved a major member and second injury was to opposite and corresponding member and accounts for at least 5%.

(continued)

| JURISDICTION | INJURIES COVERED | PAYABLE BY EMPLOYER | PAYABLE BY FUND | SOURCE OF FUND | SPECIAL PROVISIONS |
|---|---|---|---|---|---|
| IOWA | Second injury involving loss or loss of use of member or eye which added to pre-existing loss of use of member results in permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent disability, less amount paid for previous loss of member or organ. | $1,000 in no-dependency death cases; any contributions by the United States; payments due but not paid to non-resident alien dependents; and sums recovered from third parties. | Payments suspended when fund reaches $100,000; resumed when below $50,000. |
| KANSAS | Second injury related to 17 types of handicap as listed in statute—any physical or mental impairment. | Difference between fund payment and maximum award. | Compensation to the extent pre-existing handicap contributed to second injury. | $5,000 from employer in no-dependency death cases; and pro-rata annual assessment upon carriers and self-insurers based on losses. | Legislature oversees adequacy of workers' compensation fund, administered by Insurance Commissioner. Employer must prove knowledge of prior disability.* |
| KENTUCKY | Second injury or disease which added to prior disability or condition results in permanent disability greater than from second injury alone. | Disability caused by second injury or dormant condition. | Difference between compensation payable for second injury and greater disability, less amount paid for prior injury. | 3 4% premium tax on carriers and self-insurers. | Additional assessments authorized if Commissioner deems necessary. |
| LOUISIANA | Second injury which combined with prior permanent partial disability results in disability greater than from second injury alone, or in death.* | Disability benefits for first 104 weeks; in death cases, first 175 weeks. | Employer reimbursed for disability benefit payments after first 104 weeks; death cases after 175 weeks. | 1% premium tax on carriers and self-insurers; minimum $10. | Tax reduced when fund reaches $1,000,000; suspended when fund exceeds 200% of disbursements; resumed when below 125% of disbursements. |
| MAINE | Second injury caused by accident, disease, or congenital condition which added to pre-existing impairment results in permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent total disability. | In no-dependency death cases, 100 x SAWW. | |
| MARYLAND | Second injury which combined with a pre-existing permanent impairment due to accident, disease, or cogenital condition results in a greater combined disability constituting a hindrance to employment. | Disability caused by second injury. | If permanent disability exceeds 50% of the body as a whole, employee is entitled to additional compensation for the full disability from the "Subsequent Injury Fund." Prior injury and second injury must each be compensable for at least 125 weeks. | 5% of compensation paid for disability, death, or settlements. | Payments suspended when fund reaches $1,000,000; resumed when below $500,000. |
| MASSACHUSETTS | Second injury which added to pre-existing physical impairment results in substantially greater disability or death. Pre-existing disability must support 25% earnings loss or 90 weeks of benefits. | Benefits for first 104 weeks. | Employer reimbursed for half of benefits after first 104 weeks. | $500 in no-dependency death cases and additional $500 in every death case; unpaid balance of scheduled awards. | Pro-rata assessment based on losses paid during preceding year by carriers and self-insureds. |
| MICHIGAN | Second injury involving loss of member or eye, which added to pre-existing loss of member results in permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent total disability. | Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid. | Fund is credited with any balance in excess of $200,000.* |
| MINNESOTA | Second injury that would not have occurred but for prior injury or that results in substantially greater disability. | Disability caused by second injury. | Difference between compensation payable for second injury and greater disability. | Assessments on insurers and self-insurers based on statutory formula; $5,000 in no-dependency death cases; percentage of other indemnity benefits. | Percent of award assessment fixed annually based on balance in fund over $1 million, payable on March 1. |
| MISSISSIPPI | Second injury involving loss or loss of use of member or eye, which added to pre-existing loss or loss of use of member or eye results in permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent disability. | $500 in no-dependency death cases; $150 in dependency cases. | $150 payments suspended when fund reaches $35,000 and until reduced to $20,000. |
| MISSOURI | Second injury resulting in permanent partial disability which compounds either a greater permanent partial or a permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and compounded disability. | 20% of 3% premium tax. Payment by carriers or self-insurers of 1 2 percent of total compensation paid. | |
| MONTANA | Second injury which combined with prior permanent physical impairment results in death or disability. | Benefits for first 104 weeks. | Employer reimbursed after first 104 weeks. | $1000 paid by employers, insurers, or accident fund in every death case. Carriers and self-insurers assessed 5% of losses paid in preceding year. | Division must certify unemployed worker as vocationally handicapped. |
| NEBRASKA | Second injury which combined with pre-existing disability causes substantially greater disability. Pre-existing disability must support 25% earnings loss or 90 weeks of benefits.† | Disability caused by second injury. | Difference between compensation payable for second injury and previous disability. | 1% premium tax on carriers or self-insurers ($25 minimum) payable to Workmen's Compensation Court. | Payments suspended when fund reaches $400,000; resumed when below $200,000. |
| NEVADA | Second injury which combined with any previous permanent physical disability causes substantially greater disability.* | | Compensation payable by fund. | Second Injury Account in State Fund** | Compensable claim considered "excess loss" in calculation of employer's experience rating. Employer must prove knowledge of prior impairment. |
| NEW HAMPSHIRE | Second injury which combined with any pre-existing disability results in substantially greater disability.† | Benefits for first 104 weeks. | Employer reimbursed after first 104 weeks. | Assessment against carriers and self-insurers proportional to compensation payments made by all carriers. | |
| NEW JERSEY | Second injury resulting in permanent partial disability which added to pre-existing partial disability, compensable or not, results in permanent total disability. | Disability caused by compensable injury. | Difference between compensation payable for second injury and permanent total disability. | Carriers and self-insurers assessed pro-rata for 150% of payments made from fund as it bears to total compensation paid during preceding year. Annual assessments paid quarterly. | When fund balance exceeds $1,250,000, up to $50,000 per year may be applied toward administration costs of Division. |
| NEW MEXICO | Second injury which added to pre-existing disability results in permanent disability greater than from second injury alone, or, second injury resulting in death. | Liability apportioned by judicial determination. | Liability apportioned by judicial determination. | $1,000 in no-dependency death cases. Employer or insurer pays quarterly assessment up to 1% of compensation paid during quarter exclusive of medical benefits and attorney's fees. | |

†In death cases it must be established that either the injury or the death would not have occurred except for such pre-existing permanent physical impairment. "Permanent physical impairment" means any permanent condition due to previous accident, disease, or congenital condition which is likely to be a hindrance to employment.

Kans. *Employer may file description of prior impairment to create presumption of prior knowledge.

La. * Permanent partial disability" means any permanent condition due to injury, disease, or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions are presumed to be permanent partial disability if employer had prior knowledge.

Mich. *Compensation to certified vocationally handicapped persons payable from fund after 104 weeks.

Nev. *Pre-existing disability must support a rating of 12% or more of the whole man based on A.M.A. guides, which is likely to be a hindrance to employment.
**State Fund composed of premiums, contributions, penalties, bonds, securities, and all other property collected by Commission.

(continued)

| JURISDICTION | INJURIES COVERED | PAYABLE BY EMPLOYER | PAYABLE BY FUND | SOURCE OF FUND | SPECIAL PROVISIONS |
|---|---|---|---|---|---|
| NEW YORK | Second injury involving loss or loss of use of member or eye, which added to pre-existing injury results in permanent total disability; second injury which added to pre-existing loss or partial loss of member or eye or other permanent physical impairment, not resulting from a dust disease results in disability greater than from second injury alone or second injury or disease resulting in death, which is caused by pre-existing disability.[1] | Benefits for first 104 weeks | Employer reimbursed after first 104 weeks | Assessment against carriers and self-insurers proportional to compensation payments made by all carriers | Employer or insurer pays awards and medical expenses, but is reimbursed from special disability fund for benefits after first 104 weeks. |
| NORTH CAROLINA | Second injury involving loss of member or eye which added to pre-existing injury results in permanent total disability, provided the original and increased disability were each 20% of the entire member.* | Disability caused by second injury | Difference between compensation payable for second injury and permanent total disability | Assessments against employer or insurer for each permanent partial disability, up to $50 for a minor member and $200 for a major member (currently $25 and $100, respectively) | |
| NORTH DAKOTA | Second injury or aggravation of any previous injury or condition which results in further disability | Disability caused by second injury | Difference between compensation payable for second injury and remainder of ords | Reserve set aside out of statutory surplus funds | Compensation in excess of amount chargeable to second injury is charged to surplus fund |
| OHIO | Second injury which added to previous injury, disease, or condition (25 types of handicaps as listed in the statute) results in death, temporary or permanent total disability, and disability compensable under a special schedule* | Disability attributable to injury or occupational disease sustained in employment | Amount of disability or proportion of cost of death award determined by Industrial Commission to be attributable to employer's pre-existing disability | Reserve set aside out of statutory surplus funds | In the case of a self-insuring employer, excess payments are made from the surplus fund. By rule of Commission in the case of State Fund employer, compensation in excess of amount chargeable to second injury is charged to surplus fund |
| OKLAHOMA | Second injury to physically impaired person which results in additional permanent disability greater than from second injury alone | Disability caused by second injury | Difference between compensation payable for second injury and compensation for combined injuries | 2% of permanent disability losses by carriers, state fund, and self-insurers and 2% of awards for permanent disability by employers.* | Permanent total awards are payable by the fund for 5 years or until age 65, whichever is longer |
| OREGON | Compensable injury which results in permanent disability that may be an obstacle to employment | Claims cost is charged against the employer for experience rating purposes only.* | Board provides job placement aid, including work station modification, plus a wage subsidy and increased cost protection. | Employer retains from each worker 2¢ per day, payable into Second Injury Reserve Fund. | $20,000 limit for increased cost protection; $10,000 limit for wage subsidy and work station modification. |
| PENNSYLVANIA | Second injury involving loss or loss of use which added to pre-existing loss or loss of use of member results in permanent total disability. | Disability caused by second injury. | Remaining compensation due for total disability. | Pro rata to maintain $100,000 in fund. | Payments are made directly by the Department. |
| PUERTO RICO | Second injury which aggravates or augments any former disability. | | Job injury not caused by work accident is compensated in addition to second injury. Compensation for prior job injury is deducted from compensation payable for total disability, except where combined injury results in permanent total disability which is compensated as such. | The difference between expenditures by the Industrial Commission and the Manager of the State Insurance Fund and their maximum budget allotment are placed in the Reserve Fund for catastrophes except for medical expense surpluses. | |
| RHODE ISLAND | Second injury involving loss or loss of use of member or eye or any definite permanent partial disability which added to pre-existing injury results in permanent total disability. | Disability caused by second injury.* | Difference between compensation payable for second injury and permanent total disability. | 2.3-4% tax on gross premiums collected by insurers and comparable tax on self-insurers, plus $750 in no-dependency death cases; also certain penalties. | Limitations on some pre-existing conditions. Tax suspended when fund is twice amount disbursed during previous year and reinstated when fund is less than 1-1/3 of such amount. |
| SOUTH CAROLINA | Second injury which added to any previous permanent physical impairment results in substantially greater disability or death. | Disability caused by second injury for first 78 weeks; compensation and medical care. | Employer reimbursed for all benefits after 78 weeks, plus 50% of medical payments over $3,000 during first 78 weeks. | Pro rata assessments on carriers and self-insurers based on losses paid in no-dependency deaths; unpaid benefits to fund. | Employer must prove prior knowledge of impairment or that worker was unaware of impairment.* |
| SOUTH DAKOTA | Second injury which added to any pre-existing disability results in additional permanent partial or total disability or death. | Disability caused by second injury. | Difference between compensation payable for second injury and compensation for combined injuries. In death cases fund pays compensation in excess of 312 weeks. | Carriers and self-insurers assessed 1.2% of losses paid during preceding year and $500 in no-dependency death cases. | Payments suspended at $100,000, and resumed at $50,000. |
| TENNESSEE | Second injury involving loss or loss of use of member or eye which added to pre-existing loss or loss of use of member results in permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent total disability. | $150 in death cases and $15 in each case of permanent partial disability. | |
| TEXAS | Second injury involving loss or loss of use of member which added to pre-existing injury results in permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent total disability. | $25,200 payable into fund in each no dependency death case. | Payments suspended at $750,000 and resumed at $300,000. |
| UTAH | Second injury which combined with a previous permanent incapacity due to accident, disease, or congenital condition results in a substantially greater disability. | Disability caused by second injury. | Difference between compensation payable for second injury and compensation for combined injuries. | $18,720 in no-dependency death cases less compensation paid, plus 3% premium tax on insurers and self-insurers. Fines from uninsured employers. | Medical panel determines percentage of disability attributable to prior disability and second injury. Fund is also used to extend the period of compensation above regular award for certain claimants who are permanently and totally disabled and who cannot be rehabilitated. |
| VERMONT | Second injury involving loss of use of member or eye which added to previous disability results in permanent total disability. | Disability caused by second injury. | Difference between compensation payable for second injury and permanent total disability. | $500 in no-dependency death cases. | |
| VIRGIN ISLANDS | Second injury which combined with prior impairment results in death or compensable disability greater than from second injury alone. | None. Employer's experience rating affected by disability payments after 104 weeks. | All benefits. | Premiums paid by employers by classification and experience, plus fines, penalties, and interest. | Employer must have prior knowledge of disability. |

N.C. *Epilepsy is considered a prior permanent disability.

Ohio *Does not apply to compensation for temporary partial or percentage of permanent partial disability.

Okla. *Payable quarterly, not later than the 15th day of the month following; total tax is 4% (2% of awards for permanent disability, total or partial). Tax is based on award and is payable regardless of whether award is paid. State political subdivisions pay 2% of permanent disability compensation paid in preceding year.

Ore. *Employer with second injury contract pays base costs.

R.I. *If employer or insurer is insolvent, fund continues to pay compensation due.

S.C. * Permanent physical impairment means any permanent condition due to injury, disease, or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions are presumed to be permanent physical impairment if employer had prior knowledge.

(continued)

| JURISDICTION | INJURIES COVERED | PAYABLE BY EMPLOYER | PAYABLE BY FUND | SOURCE OF FUND | SPECIAL PROVISIONS |
|---|---|---|---|---|---|
| VIRGINIA | Second injury involving 20% loss or loss of use of member or eye which added to pre-existing disability of 20% or more results in total or partial disability | Disability caused by second injury | Employer reimbursed for compensation after all other compensation has expired plus up to $7,500 each for medical and vocational rehabilitation expenses | 1.4% premium tax on carriers and self-insurers | Payments suspended at $250,000 and resumed at $125,000 |
| WASHINGTON | Second injury or disease which added to pre-existing injury or disease results in permanent total disability or death | Disability caused by second injury | Difference between charge assessed against employer at time of second injury and total pension reserve | Transfer of not more than cost from accident fund to second injury account. Self-insurers pay proportional to claims against self-insurers | |
| WEST VIRGINIA | Second injury involving loss or loss of use of member or eye which added to pre-existing loss of member results in permanent total disability.* | Disability caused by second injury | | | Compensation in excess of amount chargeable to second injury is paid out of second injury fund at the Commissioner's disposal |
| WISCONSIN | Second injury with permanent disability for 200 weeks or more which a pre-existing disability of an equal degree or greater | Disability caused by second injury | Disability caused by lesser of 2 injuries. If the combined disabilities result in permanent total disability, fund pays the difference between compensation payable for second injury and permanent total disability | $4,000 for loss of a hand, arm, foot, leg, or eye. In no wholly dependent or partially dependent cases, 80% of death benefit otherwise available | |
| WYOMING | Second injury in extra-hazardous employment which added to pre-existing loss or loss of use of member or eye results in permanent total disability | Disability caused by second injury | Difference between compensation payable for second injury and permanent disability | $500 in no-dependency death cases | Any payments for previous partial disability or payments which would have been made if the previous injury had occurred in an extra-hazardous employment are deducted from the award |
| LONGSHORE ACT | Second injury resulting in permanent partial disability which added to pre-existing injury results in permanent total disability | Disability caused by second injury for first 104 weeks | Difference between compensation payable for second injury and permanent total disability | $5,000 in no-dependency death cases or unpaid awards. Pro-rata assessments based on losses paid. Fines and penalties | 50% of fund is for second injuries and 50% for rehabilitation. Supplementary benefits for total disability or death payable by fund |
| ALBERTA | No specific statutory provision | | | | |
| BRITISH COLUMBIA | Injury or disease superimposed on existing disability | No | Proportion of disability attributable to second injury | Accident Fund | |
| MANITOBA | All enhanced disabilities because of similar or other disabilities | No | Yes | Accident Fund | Compensation must be at least half the benefit payable if the entire disability were caused by the second injury. Condition includes neurosis or psychoneurosis |
| NEW BRUNSWICK | Second injury coupled with other prior injuries or disabilities | No | Yes | Reserve Fund | |
| NEWFOUNDLAND | All enhanced disabilities because of similar or other disabilities | No | Difference between compensation payable for second injury and final result of disablement | Reserve Fund | |
| NOVA SCOTIA | Injury that aggravates, activates, or accelerates pre-existing disease or condition, or injury that results in injury or disease caused partly by employment and partly by other causes | No | Disability attributable to second injury | Accident Fund | Board has authority to establish second injury fund |
| NORTHWEST TERRITORIES | No specific statutory provision | | | | |
| ONTARIO | All enhanced disabilities due to pre-existing diseases, condition, or disability | No | Difference between second injury and total cost | Second Injury and Enhancement Fund | Not restricted to permanent disability cases |
| PRINCE EDWARD ISLAND | No specific statutory provision | | | | |
| QUEBEC | Enhanced disability because of previous infirmity | | | | Commission has authority to establish second injury fund |
| SASKATCHEWAN | All enhanced disabilities due to preexisting disease, condition, or disability | No | Difference between second injury and total cost | Injury Fund | |
| YUKON TERRITORY | All enhanced disabilities because of similar or other disabilities | No | Yes | Compensation Reserve Fund. Assessment on employers' annual payroll | |
| CANADIAN MERCHANT SEAMEN'S ACT | No specific statutory provision | | | | |

W.Va. *Employer is charged for second injury only with respect to ascertainable impairments caused by prior injury.

| JURISDICTION | SYSTEM PROVIDED FOR | FUND OR APPROPRIATION | ASSESSMENT PROVISIONS | | OTHER INCOME |
|---|---|---|---|---|---|
| | | | AGAINST WHOM | AMOUNT | |
| ALABAMA | Private insurance | General appropriation; court administration | | | |
| ALASKA | Private insurance | General appropriation | | | |
| AMERICAN SAMOA | Private insurance | Special fund | | | |
| ARIZONA | Competitive fund | Administrative fund | Carriers, self-insurers, and state fund | 3% of premiums; minimum $250 | |
| ARKANSAS | Private insurance | Special fund | Carriers and self-insurers | 1-1.2% of premiums maximum* | $500 first year for carriers; $100 first year for self-insurance |
| CALIFORNIA | Competitive fund | General appropriation | | Fund pays same premium taxes levied on private insurance companies (2.35%) | Fees for records, etc. |
| COLORADO | Competitive fund | General appropriation | | | |
| CONNECTICUT | Private insurance | General appropriation | Carriers and self-insurers | Pro-rata assessment necessary to cover expenses | |
| DISTRICT OF COLUMBIA | Private insurance* | Appropriation authorized from United States Treasury for administrative expenses.* | | | |
| DELAWARE | Private insurance | General appropriation | Carriers | Pro-rata assessment necessary to cover expenses | |
| FLORIDA | Private insurance | Special fund | Carriers and self-insurers | Maximum 4% of net earned premiums | |
| GEORGIA | Private insurance | General appropriation | Carriers and self-insurers | Prorated | |
| GUAM | Private insurance | General appropriation | | | |
| HAWAII | Private insurance | General appropriation | | | |
| IDAHO | Competitive fund | Industrial Administration Fund | Carriers, self-insurers, and state fund | 1.3% of premiums | Fees for records |
| ILLINOIS | Private insurance | General appropriation | | | |
| INDIANA | Private insurance | General appropriation | | | |
| IOWA | Private insurance | General appropriation | | | |
| KANSAS | Private insurance | Special fund | | (+) | |
| KENTUCKY | Private insurance | Maintenance Fund | Carriers and self-insurers | 2% of premiums | |
| LOUISIANA | Private insurance | General appropriation; court administration | | | |
| MAINE | Private insurance | General appropriation | | | |
| MARYLAND | Competitive fund | General appropriation | Carriers, self-insurers, and state fund | Prorated | |
| MASSACHUSETTS | Private insurance | General appropriation | | | |
| MICHIGAN | Competitive fund | General appropriation | | (+) | |
| MINNESOTA | Private insurance | General appropriation | | | |
| MISSISSIPPI | Private insurance | Special fund | Carriers and self-insurers | Prorated on basis of total compensation paid | Civil penalties |
| MISSOURI | Private insurance | General appropriation | Carriers and self-insurers | 3% of premiums | Fees for records, etc. |
| MONTANA | Competitive fund | Industrial Administration Fund; appropriation and fees | Carriers, self-insurers, and state fund | Prorated on prior year's costs; $200 minimum | Graduated inspection fee; fees for records, etc.; and fines |
| NEBRASKA | Private insurance | General appropriation | Carriers | 2% for foreign, 6% for domestic, 2% for self-insurers.* | |
| NEVADA | Exclusive fund | State Insurance Fund | | | |
| NEW HAMPSHIRE | Private insurance | Administration Fund; court administration | Carriers and self-insurers | Prorated on basis of total compensation paid; $100 minimum | Civil penalties |
| NEW JERSEY | Private insurance | General appropriation | Carriers | 1.4% of premiums.* | Maximum of $50,000 excess from 2nd Injury Fund may be paid over to W. C. administration |
| NEW MEXICO | Private insurance | General appropriation; court administration | | | |
| NEW YORK | Competitive fund | Assessment | Carriers, self-insurers, and state fund | Total amount prorated on basis of compensation payments | $100 assessment or 10% of award, whichever is greater, where an appeal is withdrawn; $25 for unnecessary adjournment requested by carrier; $25 from each employer or carrier requesting review where review affirms decision. Fines imposed for non-insurance and discrimination against claimant |
| NORTH CAROLINA | Private insurance | General appropriation | Carriers and self-insurers | On gross premiums at rate in revenue act | |
| NORTH DAKOTA | Exclusive fund | Workmen's Compensation Fund | | | |

Ark. *May be increased or reduced by Commission.

D.C. *Exclusive fund for D.C. government workers, financed from D.C. and/or federal appropriation.

Kans. *System of assessments, similar to Mississippi's.

Mich. *Annual assessment of 3.4% of compensation levied on insurers and self-insurers of compensation paid to be used for the safety education and training fund.

Neb. *Not specially for workers' compensation administration.

N.J. *To administer insurance provisions.

CHART XIII ☐ ADMINISTRATION EXPENSE, WORKERS' COMPENSATION OR ACTIVITY ☐ (cont.)

| JURISDICTION | SYSTEM PROVIDED FOR | FUND OR APPROPRIATION | ASSESSMENT PROVISIONS | | OTHER INCOME |
|---|---|---|---|---|---|
| | | | AGAINST WHOM | AMOUNT | |
| OHIO | Exclusive fund and self-insurance | State fund | Excess carriers and self-insurers, counties and taxing districts, and state and instrumentalities | | |
| OKLAHOMA | Competitive fund | Administrative Fund, State Insurance Fund, and general appropriations | Carriers and self-insurers | 2% premium tax, and 4% tax on self-insurers based on compensation paid for permanent disability or death | |
| OREGON | Competitive fund | Administrative fund | Employers | Apportioned—percentage of premium needed to pay administration expenses | Fines, penalties, and interest |
| PENNSYLVANIA | Competitive fund | Administration Fund | Carriers, self-insurers, and state fund | Prorated | |
| PUERTO RICO | Exclusive fund | State fund and appropriations | State fund | Maximum 18% of total premium receipts | |
| RHODE ISLAND | Private insurance | General appropriation | | | |
| SOUTH CAROLINA | Private insurance | General appropriation | Carriers and self-insurers | 4-1/2% of premiums | |
| SOUTH DAKOTA | Private insurance | General appropriation | | | |
| TENNESSEE | Private insurance | General appropriation, court administration | Carriers and self-insurers | 4% of premiums | |
| TEXAS | Private insurance | General appropriation | Carriers and self-insurers | 3.5 of 1% * Additional 45.100 of 1% gross W. C. premiums paid to Board for administration purposes. Self-insurers pay 45.100 of 1% of losses paid | |
| UTAH | Competitive fund | General appropriation | Carriers and state fund | 1.4% of gross premiums | 3-1.4% of premium tax, 3% to Second Injury Fund, 1.4% for administration |
| VERMONT | Private insurance | General appropriation | | | |
| VIRGIN ISLANDS | Exclusive fund | Territorial fund | Territorial fund | | Fines, penalties, and interest |
| VIRGINIA | Private insurance | Special fund | Carriers and self-insurers | 2.5% of premiums | |
| WASHINGTON | Exclusive fund and self-insurance | State fund | State fund and self-insurers | Determined by Director | |
| WEST VIRGINIA | Exclusive fund and self-insurance | General appropriation and state fund | Self-insurers | | |
| WISCONSIN | Private insurance | General purpose revenue | Carriers and self-insurers | Pro rata on indemnity paid on closed cases during prior year | |
| WYOMING | Exclusive fund | Industrial Accident Fund | State fund | | |
| F.E.C.A. | Exclusive fund | Appropriation authorized from U.S. Treasury | | | |
| LONGSHORE ACT | Private insurance | Appropriation authorized from U.S. Treasury | | | |
| ALBERTA | Exclusive fund | Accident Fund | All employers under the act | Determined by Board | Penalties for violations |
| BRITISH COLUMBIA | Exclusive fund | Accident Fund | All enumerated employers | Determined by Board | |
| MANITOBA | Exclusive fund | Accident Fund | All enumerated employers | Determined by Board | Such sum out of consolidated fund as Lt. Gov.-in-Council may direct |
| NEW BRUNSWICK | Exclusive fund | Accident Fund | All enumerated employers | Determined by Board | Penalties for violations |
| NEWFOUNDLAND | Exclusive fund for Part I; individual liability, Part II | Accident Fund | All enumerated employers | Determined by Board | Fines for violations |
| NORTHWEST TERRITORIES | Exclusive fund | Workers' Compensation Fund | All employers | Determined by Board | |
| NOVA SCOTIA | Exclusive fund | Accident Fund | All enumerated employers | Determined by Board | |
| ONTARIO | Exclusive fund for Schedule I employers; individual liability for Schedule II employers | Accident Fund for Schedule I employers. Deposit with Board for Schedule II employers | All employers in Schedule I. Administrative costs only for Schedule II employers | Determined by Board | |
| PRINCE EDWARD ISLAND | Exclusive fund for Part I; individual liability, Part II | Accident Fund | All enumerated employers | Determined by Board | |
| QUEBEC | Exclusive fund for Schedule I employers; individual liability for Schedule II employers | Accident Fund | All employers in Schedule I | Determined by Board | Annual sum not exceeding $100,000 may be paid out of consolidated revenue fund |
| SASKATCHEWAN | Exclusive fund | Injury Fund | All employers | Determined by Board | Penalties for violations |
| YUKON TERRITORY | Exclusive fund | Accident Fund | All employers | Percent of payroll determined by Commissioner | |
| CANADIAN MERCHANT SEAMEN'S ACT | Private insurance | Cost of administration apportioned among employers | All employers of merchant seamen | Determined by Board | |

Tex. *To administer insurance provisions.

| JURISDICTION | ADMINISTRATION | TIME FOR APPEAL | TO WHAT COURT | PROCESS AND PROCEDURE | QUESTIONS REVIEWED | | BASIS FOR REVIEW[1] | JURY TRIAL |
|---|---|---|---|---|---|---|---|---|
| | | | | | LAW ONLY | LAW AND FACT | | |
| ALABAMA | Courts | 30 days | Supreme Court | Certiorari | Yes | | Record | No |
| ALASKA | Workmen's Compensation Board | 30 days | Superior Court | Injunction | Yes | | Record | No |
| AMERICAN SAMOA | Workmen's Compensation Commission | 30 days | High Court | As in civil actions | Yes | | Record | No |
| ARIZONA | Industrial Commission | 30 days | Supreme Court of Appeals | Certiorari | | Yes | Record | No |
| ARKANSAS | Workers' Compensation Commission | 30 days | Court of Appeals | As in civil actions, with precedence over all other civil cases | Yes | | Record | No |
| | | No provision | Supreme Court | As in civil actions | Yes | | Record | No |
| CALIFORNIA | Appeals Board | 45 days | Supreme Court, or District Court of Appeals | Writ of review | Yes | | Record | No |
| COLORADO | Industrial Commission | 20 days | District Court | Action to modify or vacate | Yes | | Record | No |
| | | No provision | Supreme Court | Writ of error | Yes | | Record | |
| CONNECTICUT | Commissioner for each of 7 Districts and 1 at large | 20 days | Appellate session of Superior Court*<br>Supreme Court | Notice of appeal** | Yes | | Record | No |
| DELAWARE | Industrial Accident Board | 20 days | Superior Court | As prescribed by the court | | Yes | Record | No |
| DISTRICT OF COLUMBIA | Division of Longshore and Harbor Workers' Compensation, O.W.C.P. | 30 days | Benefits Review Board* | Petition | | Yes | Record | No |
| | | 60 days | U.S. Court of Appeals | Petition | Yes | | Record | No |
| DISTRICT OF COLUMBIA GOVT. WORKERS | Office of Workers' Compensation | 90 days to a year | Superior Court | Application for review | | Yes | Record | No |
| FLORIDA | Division of Workers' Compensation | 20 days | District Court of Appeals, First District | Notice of appeal | Yes | | Record | No |
| GEORGIA | State Board of Workers' Compensation | 30 days | Superior Court | Notice of appeal | Yes | | Record | No |
| | | | Court of Appeals | Discretionary authority | | | | |
| GUAM | Workmen's Compensation Commission | 30 days | Island Court | Injunction proceedings | Yes | | | No |
| HAWAII | Disability Compensation Division | 30 days | Supreme Court | Notice of appeal* | Yes | | Record | Yes, if claimed within 10 days from the date case is docketed |
| IDAHO | Industrial Commission | 42 days | Supreme Court | Notice of appeal | Yes | | Record and transcript of evidence | No |
| ILLINOIS | Industrial Commission | 20 days | Circuit Court, or City Court in cities over 25,000* | Certiorari | | Yes | Record, no additional evidence | No |
| | | 30 days | Supreme Court | Writ of error | Yes | | | |
| INDIANA | Industrial Board | 30 days | Court of Appeals | As in civil action* | Yes | | Assignment of errors | No |
| IOWA | Industrial Commissioner | 30 days | District Court | Petition for judicial review | Yes | | Certified transcript of documents and evidence | Only when employee has right to sue uninsured employer |
| | | 20 days | Supreme Court | As in civil cases | Yes | | | |
| KANSAS | Division of Workers Compensation | 20 days | District Court* | Notice of appeal | | Yes | Transcript of evidence and proceedings | No |
| | | 30 days | Court of Appeals | Notice of appeal | Yes | | | |
| KENTUCKY | Workers' Compensation Board | 20 days | Circuit Court | Petition, summons, answer | Yes | | Certified record | No |
| | | No provision | Court of Appeals<br>Supreme Court | As in civil actions | | | Certified record or scheduled portions | |
| LOUISIANA | Courts | 30 days* | Appellate Court | As in civil actions | | Yes | Transcript of proceedings | No |
| | | | Supreme Court | As in civil actions | | Yes | Certified record | No |
| MAINE | Workers' Compensation Commission | 20 days* | Law Courts (only if pro forma decree entered in Superior Court) | As in equity procedure | Yes | | Certified record | No |
| MARYLAND | Workmen's Compensation Commission | 30 days | County Circuit Courts or Baltimore Common Law Courts | Notice, followed by informal and summary trial | Yes, in occupational disease cases | Yes, except in occupational disease cases | Trial de novo | Yes, on demand |
| | | No provision | Court of Special Appeals<br>Court of Appeals | As in civil cases | | | | |
| MASSACHUSETTS | Industrial Accidents Board | 10 days | Superior Court | As in civil cases | Yes | | Agreed statement of facts and findings and decision | No |
| | | No provision | Supreme Judicial Court | As in civil cases | Yes | | | |
| MICHIGAN | Workers' Compensation Appeal Board | 30 days | Court of Appeals | Certiorari, mandamus, or other permissible method | Yes | | | No |
| | | 30 days | Supreme Court | | | | | |
| MINNESOTA | Workers' Compensation Court of Appeals | 30 days* | Supreme Court | Certiorari | | Yes | Certified record** | No |
| MISSISSIPPI | Workmen's Compensation Commission | 30 days | Circuit Court | Notice of appeal | Yes | | Record | No |
| | | | Supreme Court | As in civil cases | Yes | | Record | |
| MISSOURI | Division of Workers Compensation* | 30 days | Appellate Court | Notice of appeal | Yes | | Certified record | No |
| MONTANA | Division of Workers Compensation | 30 days | Supreme Court | Notice of appeal | | Yes | Certified record | No |
| NEBRASKA | Workmen's Compensation Court* | 1 month | Supreme Court | Notice of appeal and bill of exceptions (under general laws) | Yes | | Certified record | No |
| NEVADA | Department of Administration Appeals Officer | No provision | District Court | | Yes | | Record | No |
| NEW HAMPSHIRE | Commissioner of Labor | 30 days | Superior Court<br>Supreme Court | Petition for a hearing | | Yes | Trial de novo | No |

NOTE—Other Canadian jurisdictions do not provide for judicial appeal.

[1]Generally courts may set aside an award on one of the following grounds: (1) that the Commission acted in excess of its powers, (2) that the award was procured by fraud, (3) that the facts found by the Commission did not support the award, and (4) that there was not sufficient competent evidence in the record to warrant the finding.

[2]Board may request opinion on question of law or jurisdiction on its own motion.

[3]Court has power to pass only upon question of law or jurisdiction of the Board.

Conn. *Claimant may appeal commissioner's decision to Compensation Review Division (panel of all 8 commissioners), then to appellate session of Superior Court.
**Division may certify question of law on its own motion.

D.C. *First level of appeal is to Benefits Review Board within the U.S. Department of Labor.

Hawaii *Appellate Board may certify questions of law to Supreme Court.

Ill. *If defendants cannot be found in state, then in Circuit Court of county where accident occurred.

Ind. *Board may also certify questions of law on its own motion.

Kansas *If court fails to appeal within 60 days, Director must request decision; if no decision is issued within 30 days after request, Director must advise Supreme Court.

La. *60 days for devolutive appeal.

Maine *10 days are allowed on appeal from pro forma decree in Superior Court, and no appeal from decree based on memorandum of agreement. Appeal does not stay payment of compensation.

Minn. *Compensation paid under mistake of law or fact need not be refunded.
**Appeal based on error of law or fraud may be heard de novo.

Mo. *Administrative Law Judge's award may be appealed to Industrial Commission.

Neb. *The Court is constituted the same as the boards and commissions in other states.

(continued)

| JURISDICTION | ADMINISTRATION | TIME FOR APPEAL | TO WHAT COURT | PROCESS AND PROCEDURE | QUESTIONS REVIEWED: LAW ONLY | QUESTIONS REVIEWED: LAW AND FACT | BASIS FOR REVIEW[1] | JURY TRIAL |
|---|---|---|---|---|---|---|---|---|
| **NEW JERSEY** | Division of Workers Compensation | No provision | Appellate Division of Superior Court | Notice of appeal | | Yes | Trial de novo on the record | No |
| **NEW MEXICO** | Courts | No provision | Court of Appeals<br>Supreme Court | Writ of error or appeal, or certiorari | Yes | | Certified record | No |
| **NEW YORK** | Workers Compensation Board | 30 days after decision on review*<br>No provision | Appellate Division, Supreme Court, Third Department<br>Court of Appeals | As in civil actions, with precedence over all other civil cases<br>Regular appeal | Yes<br>Yes | | Record | No |
| **NORTH CAROLINA** | Industrial Commission | 30 days | Court of Appeals | As in civil actions* | Yes | | Record | No |
| **NORTH DAKOTA** | Workmen s Compensation Bureau | 30 days<br>No provision | District Court<br>Supreme Court | Appeal<br>Writ of error | | Yes | Record<br>Record | No |
| **OHIO** | Industrial Commission | 60 days (no appeal in occupational disease cases)<br>No provision | Court of Common Pleas<br>Supreme Court | Notice of appeal and petition by claimant | | Yes | Trial de novo | Yes, on demand |
| **OKLAHOMA** | Workers Compensation Court | 20 days | Supreme Court | Petition | Yes | | Certified record and specifications of error | No |
| **OREGON** | Workers Compensation Board | 30 days<br>Supreme Court | Court of Appeals<br>Supreme Court | Notice of appeal<br>Notice of appeal | | Yes | Record* | No |
| **PENNSYLVANIA** | Workers Compensation Bureau* | 20 days<br>30 days | Commonwealth Court<br>Supreme Court | Notice of appeal<br>As in civil actions | Yes<br>Yes | | Certified record | No |
| **PUERTO RICO** | Manager of the State Insurance Fund | 30 days<br>15 days | Industrial Commission or a single Commissioner<br>Supreme Court | Appeal<br>Petition for review | Yes | Yes<br>[illegible] | Record<br>Certified record | No |
| **RHODE ISLAND** | Director of Labor and Commission | 5 days<br>10 days | 3 members of appellate commission<br>Supreme Court | Claim of appeal<br>Claim of appeal | Yes | Yes | Certified documents and testimony | No |
| **SOUTH CAROLINA** | Industrial Commission—Judicial Division | 30 days | Court of Common Pleas | As in civil actions | Yes | | Record | No |
| **SOUTH DAKOTA** | Division of Labor and Management | 30 days*<br>120 days | Circuit Court<br>Supreme Court | Notice of appeal<br>As in civil actions | Yes | | Certified record | No |
| **TENNESSEE** | Courts | 10 days<br>No provision | Circuit Courts<br>Supreme Court | As in civil actions<br>Writ of error | | Yes | Trial de novo | No |
| **TEXAS** | Industrial Accident Board | 20 days | Court of county of injury or worker s residence | Suit to set aside decision of Board | | Yes | Trial de novo | Yes |
| **UTAH** | Industrial Commission | 30 days | Supreme Court | Certiorari | | Yes | Certified record | No |
| **VERMONT** | Commissioner of Labor and Industry | 30 days<br>After 30 days | County Court*<br>Supreme Court | As prescribed by Court<br>As prescribed by Court | Yes | Yes | Certified record | Yes, on demand |
| **VIRGIN ISLANDS** | Commissioner of Labor | 30 days | Court of competent jurisdiction | As in civil actions | Yes | | Record | No |
| **VIRGINIA** | Industrial Commission | 30 days | Supreme Court | As in equity | Yes | | Certified record | No |
| **WASHINGTON** | Board of Industrial Insurance Appeals | 60 days<br>30 days | Superior Court<br>Further appeal | Notice of Appeal<br>As in civil actions | | Yes | Trial de novo, but on testimony before the Board | Yes, on demand |
| **WEST VIRGINIA** | Compensation Commissioner | 30 days | Supreme Court of Appeals | Petition | | Yes | Record of proceedings | No |
| **WISCONSIN** | Department of Industry, Labor, and Human Relations | 30 days | Circuit Court, Dane County<br>Supreme Court | Action against Commission<br>As from orders | Yes | | Record | No |
| **WYOMING** | Courts | 70 days | Supreme Court | Petition and bill of exceptions | | Yes | Record | No |
| **F.E.C.A.** | Division of Federal Employees Compensation, O.W.C.P. | 90 days to a year | Federal Employees Compensation Board* | Application for review | | Yes | Record | No |
| **LONGSHORE ACT** | Division of Longshore and Harbor Workers Compensation, O.W.C.P. | 30 days<br>60 days | Benefits Review Board*<br>U.S. Court of Appeals | Petition<br>Petition | Yes | Yes | Record<br>Record | No<br>No |
| **BRITISH COLUMBIA** | Ministry of Labour | 90 days<br>90 days | Board of Review<br>Medical Review Panel | Appeal<br>Appeal (medical facts only) | | Yes | Record and written or oral testimony<br>Diagnosis from file and examination | No<br>No |
| **NEW BRUNSWICK** | Workers Compensation Board | 10 days | Appeal Division, Supreme Court | Under Judicature Act[2] | Yes[3] | | Record | No |
| **NEWFOUNDLAND** | Workers Compensation Board | 30 days | Supreme Court | Petition[2] | | Yes | Trial de novo unless Court directs otherwise | No |
| **NOVA SCOTIA** | Workers Compensation Board | 90 days<br>30 days | Workers Compensation Appeal Board<br>Appeal Division, Supreme Court | Appeal<br>Petition to judge for permission* | Yes[3] | Yes | De novo<br>Record | No<br>No |
| **PRINCE EDWARD ISLAND** | Workers Compensation Board | 15 days | Supreme Court in banco | Petition to judge for permission | Yes[3] | | Record | No |

N.Y. *Compensation is paid pending appeal, if reversed, carrier is reimbursed from Administration Fund.

N.C. *Commission may certify questions of law to Court of Appeals. Commission may order payment of portion of award not in dispute.

Oregon *Court may take additional evidence on disability not available at hearing.

Pa. *Decisions of referees are subject to appeal to the Workers Compensation Appeal Board.

P.R. *On weight of expert testimony.

S. Dak. *Commission may order payment of portion of award not in dispute.

Vt. *Then to Supreme Court on exception.

F.E.C.A. *There is no court appeal. Board has authority to make final decision on appeals.

Longshore *First level of appeal is to Benefits Review Board within the U.S. Department of Labor.

N.S. *Board may request opinion on question of law on its own motion.

## CHART XV. DIRECTORY OF WORKERS' COMPENSATION ADMINISTRATIONS, January 1, 1984

### ALABAMA

Workmen's Compensation Division
Department of Industrial Relations
Industrial Relations Building
Montgomery, Alabama 36130
Mr. Marcus A. Davis, Examiner

### ALASKA

Workmen's Compensation Division
Department of Labor
P.O. Box 1149
Juneau, Alaska 99811
Ms. Jacquelyn McClintock

Workmen's Compensation Board
*Same address as Division*
Mr. Edmund Orbeck, Chairman
Mr. Thomas Chandler, Member
Mrs. Ann Pittinger, Member
Mr. Jim Robison, Member
Mr. David Richards, Member
Mr. Jan Baughman, Member
Mr. M. M. Langberg, Member

### AMERICAN SAMOA

Workmen's Compensation Commission
Office of the Governor
American Samoa Government
Pago Pago, American Samoa 96799
Mr. Morris Scanlan, Chairman

### ARIZONA

Industrial Commission
1601 West Jefferson
P.O. Box 19070
Phoenix, Arizona 85005
Mr. Charles W. Pine, Chairman
Mr. Martin Leon, Sr., Commissioner
Mr. G. Vernon McCracken, Commissioner
Mr. Daniel R. Ortega, Commissioner
Mr. Eugene J. Lane, Commissioner
Mr. Harry G. Kelley, Director

State Compensation Fund
1616 West Adams
Phoenix, Arizona 85007
Mr. William L. Finley, Manager

### ARKANSAS

Workers' Compensation Commission
Justice Building
State Capitol Grounds
Little Rock, Arkansas 72201
Mr. Berl Rotenberry, Chairman
Mr. Jimmie D. Clark, Commissioner
Mr. Allyn C. Tatum, Commissioner

### CALIFORNIA

Division of Industrial Accidents
P.O. Box 603, Room 617
San Francisco, California 94101
Mr. Franklin O. Grady, Administrative Director

Workers' Compensation Appeals Board
455 Golden Gate Avenue
San Francisco, California 94102
Mr. Jack Fenton, Chairman
Mr. John F. Dunlap, Commissioner
Mr. Gordon R. Gaines, Commissioner
Mr. Hubert J. Martin, Commissioner
Mr. Charles L. Swezey, Commissioner
Mr. Robert E. Burton, Commissioner
Ms. Barbara Ann Sharon, Commissioner

State Compensation Insurance Fund
1275 Market Street
San Francisco, California 94103
Mr. E.A. Sandberg, President

### COLORADO

Division of Labor
1313 Sherman Street, Room 314
Denver, Colorado 80203
Mr. Charles J. McGrath, Director

Industrial Commission
State Services Building, 5th Floor
1525 Sherman Street
Denver, Colorado 80203
Mr. Miguel Baca, Chairman
Mr. Richard Wise, Commissioner
Mr. Harvey Rubenstein, Commissioner

State Compensation Insurance Fund
950 Broadway
Denver, Colorado 80203
Mr. Glenn Adams, Manager

### CONNECTICUT

Workers' Compensation Commission
295 Treadwell Street
Hamden, Connecticut 06514
Mr. John A. Arcudi, Chairman
Mr. A. Paul Berte, Commissioner
Mr. Gerald Kolinsky, Commissioner
Mrs. Rhoda L. Loeb, Commissioner
Mr. Edward O'Brien, Commissioner
Mr. Edward F. Bradley, Commissioner
Mr. Varius J. Spain, Commissioner
Mr. Robin W. Waller, Commissioner

### DELAWARE

Industrial Accident Board
State Office Building, 6th Floor
820 North French Street
Wilmington, Delaware 19801
Mr. Thomas E. Hickman, Chairman
Mr. Irving H. Garton, Member
Mr. Warren T. Foraker, Member
Mr. Ellsworth Jackson, Member
Mr. Edward T. Campbell, Member
Mrs. Kathryn D. Ribynski, Administrator

### DISTRICT OF COLUMBIA

United States Department of Labor
Office of Workers' Compensation Programs
District 40
P.O. Box 19421
Washington, D.C. 20036
Ms. Janice Bryant, Deputy Commissioner

Government of the District of Columbia
Office of Workers' Compensation
950 Upshur Street, N.W.
Washington, D.C. 20011
Mr. Robert M. Duvall, Associate Director

### FLORIDA

Division of Workers' Compensation
Department of Labor and Employment Security
1321 Executive Center Drive-East
Tallahassee, Florida 32301
Mr. J. Baxter Swing, Director

### GEORGIA

Board of Workers' Compensation
1800 Peachtree Street, N.W.
Suite 400
Atlanta, Georgia 30309
Mr. E. Earl Mallard, Chairman
Mr. Don K. Knowles, Director
Mr. James W. Paris, Director

### GUAM

Director of Labor and Personnel
Government of Guam
P.O. Box 367
Agana, Guam 96910
Mr. José R. Rivera

### HAWAII

Disability Compensation Division
Department of Labor and Industrial Relations
825 Mililani Street
Honolulu, Hawaii 96813
Dr. Joshua C. Agsalud, Director
Mr. Orlando K. Watanabe, Administrator

Labor and Industrial Relations Appeals Board
888 Mililani Street
Room 400
Honolulu, Hawaii 96813
Mr. E. John McConnell, Chairman
Mr. James H. Takushi, Member
Mr. Yukio Takemoto, Member

### IDAHO

Industrial Commission
317 Main Street
Boise, Idaho 83720
Mr. L. G. Sirhall, Chairman
Mr. Will S. Defenbach, Member
Mr. Gerald A. Geddes, Member
Mr. Lawrence J. Spjute, Administrator

State Insurance Fund
P.O. Box 1038
Boise, Idaho 83704
Mr. A.C. Hartley, Manager

### ILLINOIS

Industrial Commission
160 North LaSalle Street
Chicago, Illinois 60601
Ms. Rebecca Schneiderman, Chairman
Mr. LeRoy E. Duncan, Commissioner
Mr. Theodies Black, Jr., Commissioner
Mr. Calvin F. Tansor, Commissioner
Mr. James A. Thomas, Commissioner
Mrs. Elsie Kurasch, Secretary

### INDIANA

Industrial Board
601 State Office Building
100 North Senate Avenue
Indianapolis, Indiana 46204
Mr. Robert W. McNevin, Chairman
Mr. R.J. Noel, Member
Mr. J.J. McDonagh, Member
Mr. R.J. Cronin, Member
Mr. John A. Rader, Member
Mr. Richard F. DeTar, Member
Mr. G. Terance Coriden, Member

### IOWA

Industrial Commissioner's Office
507 10th Street
Des Moines, Iowa 50319
Mr. Robert C. Landess, Industrial Commissioner

### KANSAS

Division of Workers' Compensation
Department of Human Resources
6th Floor
535 Kansas Avenue
Topeka, Kansas 66603
Mr. Bryce B. Moore, Director

### KENTUCKY

Workers' Compensation Board
127 Building
U.S. 127 South
Frankfort, Kentucky 40601
Mr. Glenn L. Schilling, Chairman
Mr. Darryl T. Owens, Member
Mr. Dennis O'Connor, Member
Mr. William Brooks, Member
Mr. Creighton Mershon, Member
Mr. Gerald V. Roberts, Director

### LOUISIANA

Department of Labor
1045 State Land and Natural Resources Building
Box 44094
Baton Rouge, Louisiana 70804
Mr. Curtis C. Luttrell, Commissioner

### MAINE

Workers' Compensation Commission
State Office Building
Augusta, Maine 04333
Mr. Charles D. Devoe, Chairman
Mr. Ronald D. Russell, Commissioner
Mr. James M. Coyne, Commissioner
Mr. David C. Pomeroy, Commissioner
Mr. Edward F. Gaulin, Commissioner
Mr. Joseph M. Jabar, Sr., Commissioner

### MARYLAND

Workmen's Compensation Commission
108 East Lexington Street
Baltimore, Maryland 21202
Mr. Charles J. Krysiak, Chairman
Mr. Clement R. Mercaldo, Commissioner
Mr. Harold Lee Frankel, Commissioner
Mr. Sidney W. Albert, Commissioner
Mr. Edward A. Palamara, Commissioner
Mr. G. Joseph Sills, Jr., Commissioner
Ms. Carmel J. Snow, Commissioner
Mr. Francis J. Valle, Commissioner

State Accident Fund
8722 Loch Raven Boulevard
Towson, Maryland 21204
Mr. Donald Potter, Superintendent

### MASSACHUSETTS

Industrial Accidents Board
Leverett Saltonstall Office Building
100 Cambridge Street
Boston, Massachusetts 02202
Mr. William A. Pickett, Chairman
Mr. George Keches, Commissioner
Mr. Harry Demeter, Jr., Commissioner
Mr. William McCarthy, Commissioner
Mr. Salvatore Musco, Commissioner
Mr. Wallace B. Crawford, Commissioner
Ms. Dorothy A. Antonnelli, Commissioner
Mr. R. A. Roberts, Commissioner
Mr. John McKinnon, Commissioner
Mr. Edward S. Zelazo, Commissioner
Mr. Nicholas J. Vergados, Commissioner
Mr. John G. Martin, Commissioner

### MICHIGAN

Bureau of Workers' Disability Compensation
Department of Labor
309 North Washington Square
Lansing, Michigan 48909
Mr. James M. Brakora, Director
Mr. John P. Miron, Chief Deputy

Workers' Compensation Appeal Board
309 North Washington Square
Leonard Plaza Building
Lansing, Michigan 48909
Mr. Michael J. Gillman, Chairman
Mr. Ferris Arnold, Member
Ms. Nancy Day, Member
Mr. Robert Kehres, Member
Mr. Thomas Kavanaugh, Member
Mr. John Hays, Member
Mr. John Houston, Member
Ms. Eleanor McMenimen, Member

State Accident Fund
232 South Capitol Street
Lansing, Michigan 48914
Mr. Floyd Luginbill, Manager

### MINNESOTA

Workers' Compensation Division
Department of Labor and Industry
444 Layafette Road
St. Paul, Minnesota 55101
Mr. Harry D. Peterson, Commissioner
Mr. B. James Berg, Administrator

Workers' Compensation Court of Appeals
Second Floor
MEA Building
55 Sherburne Avenue
St. Paul, Minnesota 55103
Hon. Robert B. McCarthy, Judge
Hon. James Pomush, Judge
Hon. John Wallraff, Judge
Hon. Raymond O. Adel, Judge
Hon. Paul V. Rieke, Judge

### MISSISSIPPI

Workmen's Compensation Commission
1404 Walter Sillers State Office Building
P.O. Box 987
Jackson, Mississippi 39205
Mr. Marshall G. Bennett, Chairman
Mr. J. Tillis Hill, Commissioner
Mr. Walter M. O'Barr, Commissioner
Mrs. Mildred Morrison, Secretary

### MISSOURI

Division of Workers' Compensation
Department of Labor and Industrial Relations
P.O. Box 58
Jefferson City, Missouri 65102
Mr. Richard R. Rousselot, Director

Labor and Industrial Relations Commission
1904 Missouri Boulevard
P.O. Box 599
Jefferson City, Missouri 65102
John R. Igoe, Chairman
Herbert L. Ford, Member
Charles B. Fain, Member

### MONTANA

Division of Workers' Compensation
815 Front Street
Helena, Montana 59601
Mr. Laury M. Lewis, Administrator

Workers' Compensation Court
1422 Cedar-Airport Way
P.O. Box 4127
Helena, Montana 59601
Judge William E. Hunt

State Compensation Insurance Fund
*Same address as Division*
Mr. A.G. Pillen, Bureau Chief

### NEBRASKA

Workmen's Compensation Court
State House, 12th Floor
Lincoln, Nebraska 68509
Hon. Mark A. Buchholz, Presiding Judge
Hon. Paul E. LeClair, Judge
Hon. Ben Novicoff, Judge
Hon. James P. Monen, Judge
Hon. Theodore W. Vrana, Judge
Mr. David E. Cook, Administrator

### NEVADA

Industrial Commission
515 East Musser Street
Carson City, Nevada 89714
Mr. Joe E. Nusbaum, Chairman
Mr. James S. Lorigan, Commissioner
Mr. Hal G. Curtis, Commissioner

State Insurance Fund
*Same address as Commission*

### NEW HAMPSHIRE

Department of Labor
19 Pillsbury Street
Concord, New Hampshire 03301
Dennis E. Murphy, Jr., Commissioner

### NEW JERSEY

Division of Workers' Compensation
Department of Labor and Industry
P.O. Box CN 381
John Fitch Plaza
Trenton, New Jersey 08625
Hon. A.J. Napier, Chief Judge and Acting Director

### NEW MEXICO

Labor and Industrial Commission
509 Camino De Los Marquez
Suite 2
Santa Fe, New Mexico 87501
Mr. R.C. Brooks, Labor Commissioner
Ms. Consuelo C. Smith, Manager V

### NEW YORK

Workers' Compensation Board
Two World Trade Center
New York, New York 10047
Mr. Arthur Cooperman, Chairman
Mr. William Kroeger, Vice Chairman
Mr. Francis J. Griffin, Commissioner
Mr. Daniel J. Higgins, Commissioner
Mr. Walter Shields, Commissioner
Ms. Ilene Slater, Commissioner
Ms. Monica Gollub, Commissioner

Mr. George E. Yerry, Jr., Commissioner
Mr. Henry M. Christman, Commissioner
Mr. Ferdinand Tremiti, Commissioner
Mr. Seymour Posner, Commissioner
Mr. Ernest R. Latham, Commissioner
Mr. George H. Bevan, Commissioner

State Insurance Fund
199 Church Street
New York, New York 10007
Mr. Arnold Kideckel, Executive Director

NORTH CAROLINA

Industrial Commission
Dobbs Building
430 North Salisbury Street
Raleigh, North Carolina 27611
Mr. William H. Stephenson, Chairman
Mr. Coy Vance, Commissioner
Mr. Robert S. Brown, Commissioner

NORTH DAKOTA

Workmen's Compensation Bureau
Russell Building
Highway 83 North
Bismarck, North Dakota 58505
Mr. Bronald Thompson, Chairman
Mr. Quentin Retterath, Commissioner
Mrs. Loretta Jennings, Commissioner

Workmen's Compensation Fund
*Same address as Bureau*

OHIO

Bureau of Workers' Compensation
246 North High Street
Columbus, Ohio 43215
Mr. Raymond A. Connor, Administrator

Industrial Commission
*Same address as Bureau*
Mr. William W. Johnson, Chairman
Mr. W. Craig Zimpher, Vice Chairman
Mr. Leonard T. Lancaster, Member

State Insurance Fund
*Same address as Bureau*

OKLAHOMA

Oklahoma Workers' Compensation Court
Jim Thorpe Building
2101 North Lincoln
Oklahoma City, Oklahoma 73105
Hon. Patrick C. Ryan, Presiding Judge
Hon. Charles L. Cashion, Judge
Hon. James M. Fullerton, Judge
Hon. Chris Sturm, Judge
Hon. Bill Cross, Judge
Hon. Dick Lynn, Judge
Hon. Mary Elizabeth Cox, Judge

State Insurance Fund
5th and Walnut
Oklahoma City, Oklahoma 73105
Mr. David Gillogly, Manager

OREGON

Workers' Compensation Department
Labor and Industries Building
Salem, Oregon 97310
Mr. Roy G. Green, Director

Workers' Compensation Board
Mill Creek Office Park
555 13th Street, N.E.
Salem, Oregon 97310
Mr. Kendall M. Barnes, Chairman
Mr. George E. Lewis, Member
Mr. Robert L. McCallister, Member

Safe Corporation
400 High Street, S.E.
Salem, Oregon 97312
Mr. Charles B. Gill, Jr., General Manager

PENNSYLVANIA

Bureau of Workers' Compensation
Department of Labor and Industry
3607 Derry Street
Harrisburg, Pennsylvania 17111
Mr. Bruce Hockman, Director

Workers' Compensation Appeal Board
2601 Herr Street
3rd Floor
Harrisburg, Pennsylvania 17103
Mr. Harold Fergus, Chairman
Mr. Edmund J. McCullough, Commissioner

State Workmen's Insurance Fund
100 Lackawanna Avenue
Scranton, Pennsylvania 18503
Mr. Anthony R. Cognetti, Manager

PUERTO RICO

Industrial Commissioner's Office
G.P.O. Box 4466
San Juan, Puerto Rico 00936
Ms. Jeannette Tomasini de Ramos, Chairman

RHODE ISLAND

Workers' Compensation Commission
25 Canal Street
Providence, Rhode Island 02903
Mr. Eugene J. Laferriere, Chairman
Mr. John A. Notte, Jr., Vice Chairman
Mr. Robert F. Arrigan, Commissioner
Mr. William G. Gilroy, Commissioner
Mr. Moses Kando, Commissioner
Mr. John Filipponi, Administrator

SOUTH CAROLINA

Industrial Commission
Middleburg Office Park
1800 St. Julian Place
Columbia, South Carolina 29202
Mr. T.M. Nelson, Chairman
Mr. Paul M. Macmillan, Jr., Commissioner
Mr. James J. Reid, Commissioner
Mr. J. Dawson Addis, Commissioner
Mr. Holmes C. Dreher, Commissioner
Mr. Harold E. Trask, Commissioner
Mr. Samuel E. Kirven, Administrative Director

SOUTH DAKOTA

Division of Labor and Management
Department of Labor
Joe Foss Building
Pierre, South Dakota 57501
Mr. Peter de Hueck, Director

TENNESSEE

Workers' Compensation Division
Department of Labor
501 Union Building
Nashville, Tennessee 37219
Mrs. Mildred Johnson, Director

TEXAS

Industrial Accident Board
200 East Riverside, First Floor
Austin, Texas 78704
Mr. H.S. Harris, Chairman
Mr. Bobby Barnes, Commissioner
Mr. Sid E. McKinney, Commissioner
Mr. William Traecy, Executive Director

UTAH

Industrial Commission
350 East 500 South
Salt Lake City, Utah 84111
Mr. Carlyle F. Gronning, Chairman
Mr. Stephen M. Hadley, Commissioner
Mr. Milton E. Saathoff, Commissioner

State Insurance Fund
*Same address as Commission*
Mr. Dave Thomas, Manager

VERMONT

Department of Labor and Industry
Montpelier, Vermont 05602
Mr. Joel R. Cherington, Commissioner

VIRGIN ISLANDS

Commissioner of Labor's Office
Government of the Virgin Islands
St. Thomas, Virgin Islands 00801
Mr. Richard Upson, Commissioner

VIRGINIA

Industrial Commission
Blanton Building
P.O. Box 179
Richmond, Virginia 23214
Mr. Robert P. Joyner, Chairman
Mr. Charles G. James, Commissioner
Mr. Thomas M. Miller, Commissioner

WASHINGTON

Department of Labor and Industries
General Administration Building
AX-31
Olympia, Washington 98504
Mr. James T. Hughes, Director

Board of Industrial Insurance Appeals
410 West 5th
Capitol Center Building
Olympia, Washington 98504
Mr. Michael L. Hall, Chairman
Mr. Sam Kinville, Member
Mr. August P. Mardesich, Member

Accident Fund
Medical Aid Fund
*Same address as Department*
Mr. James T. Hughes, Director

WEST VIRGINIA

Workmen's Compensation Commissioner's Office
P.O. Box 3151
Charleston, West Virginia 25332
Ms. Gretchen O. Lewis, Commissioner

Workmen's Compensation Appeal Board
112 California Avenue
Room 115
Charleston, West Virginia 25305
Mr. John Hankins, Chairman
Mr. Louis J. John, Member
Mrs. R. Sue Core, Member

Workmen's Compensation Fund
*Same address as Commissioner's Office*

WISCONSIN

Workers' Compensation Division
Department of Industry, Labor, and Human Relations
P.O. Box 7901
Room 152
201 East Washington Avenue
Madison, Wisconsin 53707
Mr. John Byrnes, Administrator

Labor and Industry Review Commission
P.O. Box 8126
Madison, Wisconsin 53708
Ms. Virginia B. Hart, Chairman

WYOMING

Worker's Compensation Division
State Treasurer's Office
2305 Carey Avenue
Cheyenne, Wyoming 82002
Mr. Kirk F. Jensen, Director

Industrial Accident Fund
*Same address as Division*

UNITED STATES

Department of Labor
Employment Standards Administration
Washington, D.C. 20210
Mr. Donald E. Elisburg, Assistant Secretary

Office of Workers' Compensation Programs
Mr. Ralph Hartman, Director

Division of Coal Mine Workers' Compensation
Mr. James R. Yocom, Associate Director

Division of Federal Employees' Compensation
Mr. John D. McLellan, Associate Director

Division of Longshore and Harbor Workers' Compensation
Mr. Neil A. Montone, Associate Director

Division of State Workers' Compensation Standards
Mrs. June Robinson, Associate Director

Benefits Review Board
1111 20th Street, N.W.
Suite 757
Vanguard Building
Washington, D.C. 20036
Judge Samuel J. Smith, Chairman
Mr. Julius Miller, Member
Mrs. Ismene Kalanis, Member

Employees' Compensation Appeals Board
1111 20th Street, N.W.
Suite 531
Vanguard Building
Washington, D.C. 20036
Mr. Gerald Lamboley, Chairman
Mr. George E. Rivers, Member
Ms. Margaret Pallansch, Member

---

ALBERTA

Workers' Compensation Board
P.O. Box 2415
9912 107th Street
Edmonton, Alberta T5J 2S5
Mr. Roy H. Jamha, Chairman
Mr. Peter Kolba, Member
Dr. A.E. Hohol, Member
Mr. R.D. Ross, Executive Director-Administration
Mr. T.P. Griffin, Executive Director-Claims Services
Mr. J.R. Thomson, Executive Director-Finance

BRITISH COLUMBIA

Workers' Compensation Board
5255 Heather Street
Vancouver, British Columbia V5Z 3L8
Dr. Adam S. Little, Chairman
Mr. Joseph Miyazawa, Commissioner
Mr. Michael Parr, Commissioner
Mr. S. Brown, Commissioner

MANITOBA

Workers' Compensation Board
333 Maryland Street
Winnipeg, Manitoba R3G 1M2
*Chairman to be appointed*
Mr. R. G. Jones, Vice Chairman
Mr. D. Proctor, Commissioner
Mr. W. F. Kennedy, Commissioner

NEW BRUNSWICK

Workers' Compensation Board
P.O. Box 160
Saint John, New Brunswick E2L 3X9
Mr. Robert G. Jones, Chairman
Mr. Roland C. Boudreau, Vice Chairman
Mr. M.P. Fisher, Commissioner
Mr. Donald Ayer, Executive Director

NEWFOUNDLAND

Workers' Compensation Board
P.O. Box 9000
Station B
St. John's, Newfoundland A1A 3B8
Mr. Edward Maynard, Chairman
Mr. Gordon F. Woodford, Commissioner
Mr. Andrew G. Rose, Commissioner
Mr. Roland H. Baggs, Executive Director

NORTHWEST TERRITORIES

Workers' Compensation Board
P.O. Box 8888
Yellowknife, Northwest Territories X1A 2R3
Mr. J.D.C. MacLean, Chairman
Mr. Bill Berezowski, Member
Mr. Colin Adjun, Member
Mr. W. Hettrick, Member
Mr. D. Johnston, Member
Mr. W. Maduke, Member
Mr. W.R. Hargrave, Member
Mr. W. Adams, Member

NOVA SCOTIA

Workers' Compensation Board
5668 South Street
P.O. Box 1150
Halifax, Nova Scotia B3J 2Y2
Mr. J.R. Lynk, Chairman
Mr. Burt Coutts, Vice Chairman
Mr. Robert K. Murrant, Commissioner
Mr. James Vaughan, Commissioner
Mr. J.H. Cottenden, Executive Director

Workers' Compensation Appeal Board
3rd Floor, Lord Nelson Arcade
Spring Garden Road
P.O. Box 3311
Halifax, Nova Scotia B3J 3J1
Mr. Hugh J. MacLeod, Chairman
Mrs. Olive D. Swaine, Member
Mr. Daniel W. Almon, Member
Mr. James C. MacKilop, Member
Mr. William J. Chrisholm, Member
Mr. John J. O'Brien, Executive Officer

ONTARIO

Workmen's Compensation Board
2 Bloor Street East
Toronto, Ontario M4W 3C3
Mr. Lincoln M. Alexander, Chairman
Mr. A.G. MacDonald, Vice Chairman-Administration
Mr. T.D. Warrington, Vice Chairman-Appeals
Mr. D.F. Hamilton, Commissioner-Appeals
Dr. W.F. Jacobs, Commissioner-Appeals
Mr. J.K. Godin, Commissioner-Appeals
Mr. Thomas A. McEwan, Commissioner-Appeals
Mr. J.F. McDonald, Secretary

PRINCE EDWARD ISLAND

Workers' Compensation Board
60 Belvedere Avenue
P.O. Box 757
Charlottetown, Prince Edward Island C1A 7L7
*Chairman to be appointed*
Mr. William Shields, Member
Mr. Raymond Livingstone, Member

QUEBEC

Commission de la Sante et de la Securite du Travail
524 Bourdages Street
Quebec, Quebec G1K 7E2
Hon. Robert Sauvé, Chairman
M. Jean-Louis Bertrand, Commissaire
M. Lionel Bernier, Commissaire
M. J. Gilles Massé, Commissaire
M. Gilles Neron, Commissaire

SASKATCHEWAN

Workers' Compensation Board
1840 Lorne Street
Regina, Saskatchewan S4P 2L8
Mr. Brian N. King, Chairman
Mr. M.G. Bourne, Member
Mr. H.S. Elkin, Member
Mr. J.A. McLean, Executive Secretary

YUKON

Workers' Compensation Board
4110 4th Avenue
Suite 300
Whitehorse, Yukon Y1A 4N7
Mr. H.J. Taylor, Chairman
Mrs. Jean Banks, Member
Mr. Thomas Walton, Member
Mr. Charles Friday, Member
Mr. Brian Booth, Executive Secretary

CANADA

Labour Canada
Occupational Safety and Health Branch
Injury Compensation Division
Ottawa, Ontario K1A 0J3
Mr. J.F. Ellsworth, Chief

Merchant Seamen Compensation Board
Labour Canada
Ottawa, Ontario K1A 0J2
Mr. R.W. Crowley, Chairman
Capt. J.G. Daniels, Vice Chairman
Mr. F. Bodie, Member
Mr. J.F. Ellsworth, Secretary

# ABBREVIATIONS AND COMPUTATIONS IN CHARTS

## ABBREVIATIONS

| | | |
|---|---|---|
| AWW | — | Worker's average weekly wage |
| C.M.S.C.A. | — | Canadian Merchants Seamen's Compensation Act |
| F.E.C.A. | — | Federal Employees' Compensation Act |
| O.W.C.P. | — | Office of Workers' Compensation Programs, U.S. Department of Labor |
| NAWW | — | National average weekly wage |
| PP | — | Permanent partial disability |
| PT | — | Permanent total disability |
| SAMW | — | Statewide average monthly wage |
| SAWW | — | Statewide average weekly wage |
| TP | — | Temporary partial disability |
| TT | — | Temporary total disability |

## COMPUTATIONS—MONTHLY TO WEEKLY

All benefits payable other than on a weekly basis have been converted to an equivalent weekly rate. There are several methods of conversion in use, which may cause slight differences in result. This *Analysis* attempts to follow the practice of the jurisdiction wherever possible.

1. A method widely used in Canada is to multiply the monthly benefit by 12, divide by 365, and multiply the result by 7. Example for a monthly benefit of $750:

$$\frac{750 \times 12 \times 7}{365} = \$172.60$$

2. A second method is to multiply the monthly benefit by 12 and divide by 52. Example:

$$\frac{750 \times 12}{52} = \$173.08$$

3. The third method is to divide the monthly benefit by 4.3 or a similar figure because the average month contains 4.33 weeks. Example:

$$\frac{750}{4.3} = \$174.42$$